

Exhibit 11

Exhibit 11

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 1

1

UNITED STATES DISTRICT COURT

2

DISTRICT OF NEVADA

3

* * * * *

4

LATIA ALEXANDER,)

individually as heir of)

5

ISAIAH T. WILLIAMS and in)

her capacity as special)

6

administrator of the Estate)

of ISAIAH T. WILLIAMS,)

7

)

Plaintiff,)

8

)

vs.)

9

CASE NO.

2:24-cv-00074-APG-NJK

LAS VEGAS METROPOLITAN)

10

POLICE DEPARTMENT, a)

political subdivision of)

11

the State of Nevada; KERRY)

KUBLA, in his individual)

12

capacity, et al.,)

13

)

Defendants.)

14

_____)

15

VIDEOTAPED DEPOSITION OF

16

BRICE CLEMENTS

17

Taken on October 7, 2024

18

at 10:04 a.m.

19

By a Certified Court Reporter

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Las Vegas, Nevada

21

22

23

Stenographically reported by:

24

Heidi K. Konsten, NV CCR 845, RPR

25

JOB NO. 57949 - Firm No. 116F

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 2

1 Videotaped deposition of BRICE CLEMENTS,
2 Volume I, stenographically taken at 400 South
3 Seventh Street, Las Vegas, Nevada, on
4 Monday, October 7, 2024, at 10:04 a.m., before
5 Heidi K. Konsten, Certified Court Reporter in and
6 for the State of Nevada.

7

8 APPEARANCES OF COUNSEL

9 For the Plaintiff:

10 CORRINE MURPHY, ESQ.
11 Breeden & Associates, PLLC
12 7432 West Sahara Avenue
Suite 101
13 Las Vegas, Nevada 89117
(702) 508-9250
(702) 508-9365 Fax

14 For the Defendants:

15 CRAIG R. ANDERSON, ESQ.
16 Marquis Aurbach
10001 Park Run Drive
17 Las Vegas, Nevada 89145
(702) 382-0711
(702) 382-5816 Fax

18

Also present:

19

Dawn Beck, Videographer

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Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 3

1

INDEX

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Page

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BRICE CLEMENTS

4

Examination by Ms. Murphy

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7

EXHIBITS

8

No.

Description

Page

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Exhibit 1

Notice of Deposition

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Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 4

1 LAS VEGAS, NEVADA
2 Monday, October 7, 2024
3 10:04 a.m.
4 DEPOSITION OF BRICE CLEMENTS
5 * * * * *
6

7 THE VIDEOGRAPHER: Good morning. We
8 are now on the record. This begins the
9 video-recorded deposition of Brice Clements.
10 Today's date is October 7, 2024. The time on the
11 video monitor is 10:04 a.m. We are located at 400
12 South Seventh Street in Las Vegas, Nevada.

13 This case is entitled Latia Alexander,
14 et al., versus Las Vegas Metropolitan Police
15 Department, et al. The case number is
16 2:24-cv-00074-APG-NJK in the United States
17 District Court, District of Nevada.

18 My name is Dawn Beck, legal video
19 specialist. The court reporter is Heidi Konsten.
20 We're representing Lexitas.

21 Will counsel please state your
22 appearance for the record and whom you represent.

23 MS. MURPHY: Good morning. Corrine
24 Murphy, Bar Number 10410, on behalf of plaintiff.

25 MR. ANDERSON: Craig Anderson on

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 5

1 behalf of defendants.

2 THE VIDEOGRAPHER: Thank you.

3 Will the court reporter please swear
4 in the witness.

5

6 Whereupon,

7 BRICE CLEMENTS,

8 was called as a witness, and having been first duly
9 sworn to testify to the truth, was examined and
10 testified as follows:

11

12 EXAMINATION

13 BY MS. MURPHY:

14 Q Good morning, Mr. Clements. My name is
15 Corrine Murphy.

16 Let the record reflect this is the time
17 and place for the deposition of Brice Clements in
18 the matter of Latia Alexander, et al., versus Las
19 Vegas Metropolitan Police Department, et al., Case
20 number 2:24-cv-00074.

21 Would you prefer that I call you
22 Mr. Clements or Brice?

23 A Brice is fine.

24 Q Okay. Can you please state and spell
25 your full name for the record?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 6

1 A Yes. Brice John Rollin Clements.
2 That's B-R-I-C-E, J-O-H-N, R-O-L-L-I-N,
3 C-L-E-M-E-N-T-S.

4 Q And, Brice, you have been -- you had
5 your deposition noticed for today.

6 Did you have an opportunity to review
7 the deposition notice?

8 A Yes.

9 MS. MURPHY: Okay. And I'm going to
10 ask the court reporter -- this is the first
11 amended notice of videotaped deposition --
12 videotaped deposition of Brice Clements. Can we
13 please mark that as Exhibit 1 to today's
14 deposition transcript.

15 (Exhibit 1 was identified.)

16 BY MS. MURPHY:

17 Q And you understand that you're here
18 today to discuss the officer-involved shooting of
19 Isaiah Williams?

20 A Yes.

21 Q Have you ever given your deposition
22 before?

23 A No.

24 Q Okay. I'm not going to go -- I'm sure
25 that you've been prepared by your attorney. I'm

1 not going to go into a lot of instructions. The
2 only instruction I'm going to provide is that the
3 oath that you just took is the same oath that you
4 would give if you were in a court of law and the
5 same penalties of perjury apply, even though we're
6 not in a court of law.

7 Do you understand that instruction?

8 A I understand.

9 Q Okay. Is there any reason that you
10 would not be able to understand my questions and
11 give your best and truthful testimony today?

12 A No.

13 Q Are you under any medications or any
14 other issue that would inhibit your ability to
15 provide reliable testimony today?

16 A No.

17 Q Okay. Can you please tell me everything
18 you did to prepare for today's deposition.

19 A Spoke with Craig Anderson, read my CIRT
20 interview, and just reflected on the actual call
21 through memory.

22 Q Okay. And I don't -- I'm not entitled
23 to know what you spoke about with Craig. That's
24 attorney-client privilege. But I am entitled to
25 know how long you met with Craig for and how many

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 8

1 times.

2 A I believe two times. The first one was
3 a group setting at his office for approximately an
4 hour to an hour and a half. The second one was in
5 his office for approximately 30, 40 minutes.

6 Q And what date was the 30- to 40-minute
7 meeting on?

8 A That was last week on Wednesday, I
9 believe.

10 Q And the group setting meeting,
11 approximately how long ago was that?

12 A That was back in probably June.

13 Q And I know that you -- I can see that
14 you brought your CIRT statement with you, and you
15 just listed that as one of the things that you
16 reviewed for today's deposition.

17 Are there any other documents that you
18 reviewed in preparation for today's deposition?

19 A Yes. I was given the court info and I
20 think just the litigation as far as why we're
21 here.

22 Q Okay. And, Brice, you completed what
23 are called interrogatories and requests for
24 production of documents.

25 Do you remember doing those at all?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 9

1 A Yes.

2 Q Okay. Did you review those in
3 preparation for today's deposition?

4 A Yes.

5 Q Okay. Are there any other documents
6 that you may have reviewed -- that you did review
7 for -- in preparation for today's deposition?

8 A No.

9 Q Okay. Other than your own statement,
10 have you reviewed the statements of any of the
11 other police officers?

12 A Yes.

13 Q Okay. Who else's statement did you
14 review?

15 A Gonzales. Alex Gonzales.

16 Q Okay. And when you say "statement," do
17 you mean his CIRT -- his recorded CIRT statement,
18 or did you review his deposition transcript?

19 A His deposition transcript.

20 Q Okay. And did you read the entire
21 deposition transcript?

22 A No.

23 Q Okay. How much of it did you read?

24 A Bits and pieces. I didn't read the
25 whole thing.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 10

1 Q Okay. In reviewing Officer Gonzales's
2 deposition transcript, was there any information
3 that you found surprising?

4 A No.

5 Q Okay. Did you agree -- with the items
6 that you read in Officer Gonzalez's deposition
7 transcript, were you mostly in agreement with
8 them?

9 A Yes.

10 Q Can you give me a brief description of
11 what parts of Officer Gonzalez's deposition
12 transcript you reviewed?

13 A The first couple of questions
14 reference -- the questions that you're asking
15 right now, and a little bit into questions related
16 to the actual shooting.

17 Q Okay. Anything else?

18 A No.

19 Q Did you read any parts of Officer
20 Gonzalez's deposition transcript where he talked
21 about what he might have done differently or what
22 the cause of this incident was, in his opinion?

23 A No.

24 Q Okay. And so we've kind of gone over
25 some stuff. Every time I ask you, you're giving

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 11

1 me more items that you reviewed.

2 It is your responsibility in this
3 deposition to give me complete and whole answers,
4 so I'm going to ask you one last time. And if you
5 want to take a moment to think about it, please do
6 that.

7 Did you review anything else to prepare
8 for today's deposition?

9 A That was the only extra thing.

10 MR. ANDERSON: Well, you said
11 documents. We watched body cam.

12 MS. MURPHY: Okay. Okay.

13 BY MS. MURPHY:

14 Q Why did you not list off the body cam
15 when I asked you what you did to prepare for
16 today's depositions?

17 A I just figured documents. I mean, I've
18 reviewed the --

19 Q Well, my first question was "tell me
20 everything you did to prepare for today's
21 deposition."

22 Is that fair?

23 A Yes.

24 Q So why didn't you tell me you reviewed
25 the body cam?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 12

1 A It didn't pop up into my head.

2 Q Okay. And I'm going to go over the
3 instruction one more time.

4 It is your responsibility today to give
5 me your best, whole answers.

6 Do you understand the nature of that
7 instruction?

8 A Yes, I do.

9 Q Okay. Is your -- what are your normal
10 work hours? As we sit here today, what are your
11 normal work hours?

12 A My work hours as we sit today are 6:30
13 to 4:30, Monday through Friday -- Monday through
14 Thursday.

15 Q Okay. Is that 6:30 a.m.?

16 A Yes.

17 Q Okay. And Monday through Thursday, so
18 this would normally be during your working time;
19 is that correct?

20 A That is correct.

21 Q Okay. And you got today off to do the
22 deposition?

23 A No. I was actually in class.

24 Q What kind of class were you in?

25 A Supervisor's class.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 13

1 Q What's a supervisor's class?

2 A It's a POST two-week class basically to
3 give insight on how to be a good leader.

4 Q Okay. Are you up for a promotion
5 currently?

6 A Already promoted.

7 Q Oh, congratulations.

8 A Thank you.

9 Q What were you promoted to?

10 A Sergeant.

11 Q And when did that happen?

12 A May 13 of '23.

13 Q Okay. And are you -- as we sit here
14 today, are you still with SWAT?

15 A No, I'm not.

16 Q Who are you with now?

17 A Patrol.

18 Q So you are a sergeant in a patrol -- in
19 the patrol unit.

20 Am I saying that accurately, or should
21 it be said differently?

22 A No, patrol.

23 Q Okay.

24 A Yeah, patrol division.

25 Q Did your transfer out of SWAT, was that

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 14

1 in any way related to this incident?

2 A No.

3 Q Okay. And so why did you transfer out
4 of SWAT?

5 A To promote.

6 Q Okay. And so I'm going to -- Brice, I'm
7 going to go over some background. And so let me
8 ask you, at the time of the incident, do you
9 remember what your work schedule was? And I --
10 just for the record, I know you know, but I have
11 to say it for the record.

12 When I refer to "the incident," I'm
13 talking about the officer-involved shooting on
14 January 10th, 2022.

15 A Yes.

16 Q Okay. At the time of the incident, what
17 was your work schedule?

18 A I worked Sunday through Wednesday and
19 swing shift. It changed a couple of times. If I
20 remember correctly, I believe it was 2:00 to
21 midnight at that time.

22 Q Okay. Was it almost like a -- if I call
23 it a wobbler schedule --

24 A I mean, I was on call 24/7.

25 Q Okay. And so was the -- it's a little

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 15

1 early in the morning for me.

2 Was the execution of this warrant during
3 your normal work hours?

4 A No.

5 Q Okay. So you were -- if I say "called
6 in" for this, is that accurate?

7 A Called out.

8 Q Called out.

9 That's what you call it, a call-out?

10 A Uh-huh.

11 Q Okay. Why were you called out for this?

12 A Because it wasn't during our regular
13 work hours.

14 Q Okay. And do you have the option of,
15 like, accepting a call-out, or do you just get
16 called out and you have to show up?

17 A When it's on your workdays, which this
18 was, you have no -- there's no option. You --
19 those are your workdays. You go in.

20 Q Okay. All right. So if I understand
21 correctly, you have, like, normal shift hours, but
22 any -- for something like this, a search warrant
23 like this, if it falls on your workday, then you
24 get called -- you get called out for it?

25 A Yes.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 16

1 Q Okay. All right. Now, Brice, I'm going
2 to ask you some background questions.

3 What's your highest level of education?

4 A I have a bachelor's degree in chemistry,
5 biochemistry, with an emphasis in forensic
6 chemistry.

7 Q Is it a dumb question for me to ask how
8 you ended up being a police officer? Because that
9 seems like headed towards med school.

10 A I came down here to do forensics with
11 the department. It was 2007. So the fall of --
12 if you remember, in 2008, we had a major issue
13 with the government and jobs were hard to find.
14 In 2007 I decided to try law enforcement, and I'm
15 happy that I did.

16 Q Okay. And where did you receive your
17 BA?

18 A Eastern Washington University.

19 Q Okay.

20 A I also have an associate's degree from
21 Columbia Basin College, which I got at the same
22 time that I graduated high school.

23 Q And what was your -- what was your
24 associate's degree in?

25 A Just general associate's.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 17

1 Q Okay. Are you a member of any
2 professional organizations related to your
3 profession currently?

4 A In what -- like examples?

5 Q Yeah. So sometimes when I ask that
6 question, some people will tell me, you know, oh,
7 I'm -- I belong to, like, an officer -- like, a --
8 like an officer support group or, like, with
9 sometimes in military and stuff -- what's it
10 called? The -- oh, gosh. The organization for
11 veterans or like a -- sometimes -- sometimes
12 officers are maybe involved in, like, a shooting
13 club or something like that.

14 A No.

15 Q Okay. And we went over this briefly.
16 So I understand your current position is
17 sergeant in patrol, and you were promoted in May
18 of 2023; correct?

19 A Correct.

20 Q Okay. How is that going?

21 A Good.

22 Q Okay. Can you kind of walk me through
23 your -- your professional background with LVMPD
24 leading up to this incident?

25 A Sure. I was hired in -- June 18th,

1 2009. Finished the academy and graduated in
2 December of same year. Did patrol up until
3 approximately four years on, where I tested for
4 field training officer. Passed that. Was a field
5 training officer for approximately five to five
6 and a half years before I went to SWAT.

7 Q And what does a field training officer
8 do?

9 A They train the officers that come out of
10 the academy. So they get their, like, on-the-job
11 training.

12 Q Okay. And so you're going to -- if some
13 of my questions seem a little awkward, it's
14 because I'm not a police officer, so I don't know
15 what --

16 A I understand.

17 Q Yeah. So is it -- if I understand
18 the -- the chronology that you just gave me, you
19 were a field training officer. And from that,
20 where you're training other officers, you then
21 went into SWAT; is that --

22 A That is correct.

23 Q So you weren't, like, on patrol or part
24 of, like, a narcotics unit or anything like that
25 prior to being on SWAT?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 19

1 A No. Patrol.

2 Q Okay. And so can you kind of tell me,
3 like -- you have given me a little bit of a
4 description. But can you kind of walk me through,
5 like, what kind of stuff would you do field
6 training for? Like, what did the training look
7 like or provide for? You weren't training.

8 A The field training would provide the new
9 officers on-the-job training for various calls,
10 paperwork, understanding criminal law,
11 understanding the defensive tactics, understanding
12 the use of force, and any questions related to
13 that.

14 Q And so that's actually really
15 interesting. You're the first police officer that
16 I've talked to that has a background in training
17 other officers in criminal law and use of force.

18 So can you kind of walk me through,
19 like, what would that training look like?

20 A You go through some of the laws that
21 pertain to an officer using force like -- related
22 to, you know, a fleeing felon, things like that.

23 Q Okay. And how would you train officers
24 in that?

25 A By reading the laws.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 20

1 Q Okay.

2 A Which they have already been -- to be
3 honest, been trained on in the academy.

4 Q I would hope so.

5 So I guess I'm trying to figure out --
6 and I'm trying to figure out, like, would you
7 actually -- like, out in the field would you say,
8 "Okay. You need to do X, Y, and Z in order to --
9 you know, comply with this case law"? Or is it
10 more, like, you would sit down and have a study
11 session? I guess that --

12 A Study sessions. But also the department
13 puts on study sessions via -- what we call our
14 UMLV.

15 Q What's UMLV?

16 A University of Metro Las Vegas. So it's
17 a program that the department puts out with
18 various training videos or training in general.

19 Q And as part of UMLV or your training of
20 other officers, did you go over what knock and
21 announce means?

22 A In patrol, you don't do search warrants.
23 So briefed over things like that, but that's not
24 what a daily patrol officer does.

25 Q And so -- and, I'm sorry, I know you

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 21

1 told me, but I -- I didn't make a note of it as
2 well as I should have.

3 How long had you been in SWAT before
4 this incident occurred?

5 A Approximately three years. But I was
6 doing training with SWAT, meaning role-playing
7 and/or going through SWAT schools and testing.
8 I've been through, I believe, four SWAT schools.
9 And the last one that I went through was
10 completely graded.

11 Q What does "completely graded" mean?

12 A It means for the four weeks of the SWAT
13 school, every day you are graded on it. And that
14 was to be placed on the list.

15 Q And what does "the list" mean?

16 A The list is the -- is ranked. And then
17 dependent on where you are in positions opening
18 wise, then you get pulled from that list.

19 Q And how were your grades?

20 A I was number one on the list.

21 Q And is that the normal way that you
22 would qualify for SWAT?

23 A It has changed over my career, but for
24 the most part, yes. You have a physical test,
25 a -- which is an obstacle course to include

1 shooting. And you also have a qualification for
2 your handgun and your rifle.

3 Then you move on to an actual, like,
4 physical fitness test. And then after that are
5 scenarios, and then the SWAT school.

6 Q Okay. And so you -- had you been
7 through four SWAT schools by the time of this
8 innocent -- incident?

9 A Yes.

10 Q Okay. And can you tell me -- I'm going
11 to ask the question in two parts, and if it's the
12 same, then tell me it's the same.

13 I'm going to ask you what knock and
14 announce mean to you, what your understanding as a
15 SWAT officer is, what that knock-and-announce rule
16 means. And I'm going to ask you what it means for
17 you here today. And if that is different, than
18 how -- what it meant for you in 2022 at the time
19 of this incident.

20 A Okay. So knock and announce is a tactic
21 that we use where we would announce our intentions
22 to somebody inside of a building/residence related
23 to the search warrant.

24 Q Okay. To your -- and I'm assuming that
25 that's the same as what you understood it to be as

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 23

1 in 2022?

2 A Absolutely.

3 Q Okay. To your knowledge, is there any
4 amount of time that you must wait before entering
5 the unit after you've made your -- your first
6 knock and announce?

7 A There's time that is wished it to be,
8 but time varies.

9 Q Okay. And I think I understand what you
10 mean by "wished it to be," which means -- these
11 are called dynamic entries, right, where there's a
12 lot of stuff changing?

13 A Yes.

14 Q So can you tell me what the "wished for"
15 amount of time is?

16 A At the time, I think it was
17 approximately around ten seconds. And if I
18 remember correctly, entry was at 17 and a half
19 seconds.

20 Q Okay. But entry was at 17 and a half
21 seconds through the window; correct?

22 A I have no idea.

23 Q Okay. And can you tell me, what is the
24 purpose of knock and announce?

25 A To announce our intentions, that we have

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 24

1 a search warrant, which is why we announce
2 "Police, search warrant."

3 Q And why do you have to do that?

4 A To announce our intentions to the people
5 that are inside.

6 Q And why does the person inside get to
7 understand -- get to -- sorry. Strike that.

8 Why does the person inside get to hear
9 the announcement of your intention?

10 A Because we're going into their
11 residence.

12 Q Okay. Are there any rights that are
13 triggered -- does the person inside have any kind
14 of rights or do you have any type of duties to
15 make those announcements?

16 A Yeah, through the Fourth Amendment.

17 Q Okay. And can you kind of walk me
18 through what your understanding of that is?

19 A Yes. You can't just enter somebody's
20 house just to enter somebody's house.

21 Q Why not?

22 A Because it's an intrusion on their
23 liberties.

24 Q Okay. And so I asked a little bit
25 earlier about the time that you need to provide.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 25

1 What's your understanding of why you need to
2 provide time? We talked about the difference
3 between the wished-for time and what actually
4 happens in the field.

5 What is your understanding of why that
6 has to occur?

7 A To allow that person to hear and
8 understand the intention of the police that are
9 coming in and that they have a search warrant.

10 Q And so as we sit here today, you
11 understand, correct, that it is a person's
12 constitutional right to have clear notice of a
13 police officer's intent to enter?

14 A Yes.

15 Q Okay. Do you -- and we will get into
16 the specifics of this actual incident itself.

17 In terms of the young man that was shot,
18 Isaiah Williams, do you think that he had a clear
19 notice of your -- your unit's intent to enter the
20 apartment?

21 A Absolutely.

22 Q Why do you say that?

23 A Because the patrons in the apartment
24 above heard our announcements.

25 Q How do you know that?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 26

1 A Because they testified to it.

2 Q When did they testify to it?

3 A When they were interviewed by -- I'm
4 assuming CIRT or FED.

5 Q And what was your understanding of their
6 testimony?

7 A That they heard us yelling and yelling
8 "Police, search warrant" and the apartment and the
9 apartment number.

10 Q Okay. The apartment number was yelled?

11 A Uh-huh.

12 Q Okay. And, Brice, as we sit here today,
13 do you think that perhaps the experience of the
14 people above you could be different than the
15 experience of Mr. Williams?

16 MR. ANDERSON: Objection. Form.

17 You can answer. When I object, always
18 answer --

19 THE WITNESS: Okay.

20 MR. ANDERSON: -- unless I tell you
21 not to.

22 THE WITNESS: What's that now? Can
23 you repeat the question?

24 MS. MURPHY: Would you mind rereading
25 the question?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 27

1 THE COURT REPORTER: Sure.

2 MS. MURPHY: I ask her to re-read it
3 because -- sorry. Off the record for just a
4 second.

5 (Discussion off the record.)

6 (Whereupon, the record was read.)

7 MR. ANDERSON: Absolutely.

8 BY MS. MURPHY:

9 Q Okay. And that could be also because
10 their windows weren't being broken; correct?

11 A Yes.

12 Q They didn't have a distraction device
13 being inserted through their windows; correct?

14 A Correct.

15 Q They didn't have a 9 banger going off in
16 close proximity to them; correct?

17 A Yes.

18 Q Okay. In -- in your opinion, what is
19 the first and most important constitutional right
20 that any individual has?

21 A A right to their person and property.

22 Q In performing your job as a police
23 officer, do you agree with me that you have a duty
24 to conduct yourselves such that you do not violate
25 the civil or constitutional rights of members of

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 28

1 the public?

2 A Absolutely.

3 Q Do you also agree that if you see other
4 officers violating the civil or constitutional
5 rights of a member of the public, you have a duty
6 to intervene and stop that officer?

7 A Absolutely.

8 Q And can you please tell me, Brice -- and
9 if it's -- when I ask questions about, like,
10 definitions, it will be a standing instruction,
11 but I'll clarify it each time.

12 If your understanding of a definition or
13 parameter that I'm asking you for is different
14 today than it was in 2022, can you please identify
15 what differences they may be?

16 A Sure.

17 Q Okay. So I'm going to ask you, what is
18 a no-knock warrant?

19 A A no-knock warrant would be essentially
20 a no-knock warrant. You're not knocking. You're
21 not announcing. You're immediately going in.

22 Q And I'm going to ask the question,
23 because I want a -- because I want it for the
24 record, although I know it's somewhat
25 self-explanatory.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 29

1 What's the -- what are -- what's the
2 difference between a no-knock and a knock and
3 announce?

4 A You're announcing.

5 Q And what type of warrants would you get
6 a no-knock warrant for?

7 A Something high profile, I would say.
8 Something that would be extremely dangerous to the
9 officers or it could be extremely dangerous for
10 the person who is inside.

11 Q And to clarify, this was a knock and
12 announce warrant; correct?

13 A Yes, it was.

14 Q Can you get a no-knock warrant for a
15 property-only search warrant?

16 A Not that I know -- not that -- I
17 couldn't tell you, off the top of my head right
18 now.

19 Q Okay. That's fair. If you -- if you
20 don't know the answer, then just -- thank you for
21 being candid about that.

22 And I'm going to ask you some more
23 specifics about it later. But as we sit here
24 today, do you have an understanding of what type
25 of search warrant you were executing that day?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 30

1 A Yes. It was a homicide warrant.

2 Q Was it a property or person?

3 A Both.

4 Q Okay. And, Brice, can you please tell
5 me -- I always say this wrong -- what is a CET?

6 A It is a controlled entry tactic.

7 Q Okay. And can you tell me, what is a
8 controlled entry tactic?

9 A Yes. You use speed and surprise in
10 order to safely get into an apartment and clear it
11 quickly and safely.

12 Q In this case, did you think that the --
13 that yourself and the other officers got into this
14 unit safely?

15 A When the door opened?

16 Q Yes.

17 A Yes.

18 Q Okay. And why do you think that you got
19 in safely?

20 A Because the door opened and --

21 Q I'm trying -- I'm sorry. She can only
22 take down one person at a time, and I'm trying not
23 to interrupt you. So if I interrupt you, I'm
24 going to pull back. And please finish saying what
25 you're saying.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 31

1 A Okay. At the time of the door opening,
2 yes, I believe it was a safe entry. As of the
3 time that I entered, it was not safe.

4 Q And so why do you -- Brice, why do you
5 distinguish between those two -- those two --
6 because those seem pretty close in proximity
7 time-wise to me. So why do you make that -- that
8 distinguishing comment?

9 A Because we weren't fired upon until we
10 entered.

11 Q Do you think there was a possibility you
12 could have been fired on before entering?

13 A Yes. There's always that possibility.

14 Q Okay. And so upon entering, though,
15 once the doors opened, you would make the -- you
16 would make the change in your assessment of safety
17 as it being unsafe; correct?

18 A Based off the circumstances as you
19 enter.

20 Q Okay. So in this case, the CET did not
21 meet its intention of allowing you to safely be in
22 the unit; correct?

23 A Due to Mr. Williams.

24 Q Okay. And you place all of that blame
25 on Mr. Williams. Is that fair to say?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 32

1 A I believe that we made enough of an
2 announcement and -- and any reasonable person
3 would understand that announcement.

4 Q And as we sit here today, I know that
5 you've read your CIRT statement.

6 Have you read the CIRT report itself?

7 A I was there when they presented it.

8 Q And you understand that CIRT does not
9 believe that this was a proper entry; is that
10 correct?

11 A Not that I remember.

12 Q Okay.

13 A It was a long time ago.

14 Q Okay. And later on in the deposition,
15 I'll read some of their conclusions for you, and
16 we'll get into that a little bit more.

17 A Okay.

18 Q Can you use a CET on a
19 knock-and-announce warrant?

20 A Yes.

21 Q Okay. As we sit here today, there's
22 been no policy change on that?

23 A They have changed the policy, I
24 believe --

25 Q What --

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 33

1 A -- within the department.

2 Q What's your -- and it doesn't need to be
3 a perfect --

4 A What I will say is that at the time, a
5 CET was appropriate for the apartment. And the
6 reasoning for that is that we could not safely
7 surround it, based off of our tactics at the time.

8 When you think about doing a surround
9 and call-out, the whole purpose of that is to be
10 able to surround it safely on all sides. We
11 couldn't do that with the apartment. The
12 apartment was down below a little bit from street
13 level, and there was a business behind. There's
14 also an apartment above.

15 Q Okay.

16 A BearCats are not able to get in there,
17 which is a tool that we use in order to call
18 people out.

19 Q Okay. And you have made the -- you've
20 made the distinction between then and now.

21 As we sit here today, this would -- if
22 you had a similar -- and I understand that I'm
23 asking you to look backwards, and sometimes that
24 can be an unfair, you know, standard.

25 But as we sit here today, if you're --

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 34

1 if SWAT were -- were tasked with serving this
2 search warrant again today -- the same type of
3 search warrant, the same type of physical
4 parameters of the unit -- would they be able to do
5 a CET, or would they have to do a surround and
6 call-out?

7 A That would be a decision not made by me.

8 Q Okay. Based on your understanding of
9 what the current policies of what LVMPD are, do
10 you have any position on what it would be?

11 A No.

12 Q Okay. So if I were to represent to you
13 that, as we sit here today, based on the policies
14 of LVMPD, this would have to be a surround and
15 call-out, that's new information to you?

16 A Again, I haven't been in SWAT, so the
17 policies have changed since I've been there.

18 Q Okay. That's fair.

19 Do you believe that there's any conflict
20 between knock and announce and a CET?

21 A Any conflict?

22 Q Yeah.

23 A In what meaning?

24 Q That the purpose of knock and announce
25 is to -- based on how you've just described it to

1 me, the purpose of knock and announce is to give
2 the person on the other side of the door the --
3 the information or knowledge of the police
4 officer's intention to enter the unit.

5 And so my question to you is, being --
6 and you've described what the purpose of knock and
7 announce is, being -- what your understanding of
8 that is.

9 Do you think that there is a conflict
10 between that intention and doing a CET?

11 A At the time, no.

12 Q Okay. What about as we sit here today?

13 A I wouldn't change what we -- I wouldn't
14 change the CET.

15 Q And so my question was a little bit
16 different. It's not whether you would change it
17 or not. I'm not asking you to rewrite history.

18 I'm just asking, in your personal
19 opinion, based on your training, your field
20 experience, everything that you have gone through
21 as a police officer, do you think that there's any
22 type of conflict between knock and announce and a
23 CET, or do you believe that those two things can
24 coexist?

25 A I think they can coexist.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 36

1 Q Okay. Okay. And, Brice, I'm going to
2 ask you -- now I'm going to kind of go through,
3 more in a chronological way, about what happened.

4 Can you please give me your -- your
5 first awareness of when -- your first awareness of
6 this warrant.

7 A Yes. It was put out on Sunday that
8 there was a possible warrant being worked on by
9 homicide.

10 Q Okay. And how did you become aware of
11 that?

12 A Through text message. That's how we'd
13 communicate through the team. We have a group
14 text message.

15 Q Okay. If I call it a group thread --

16 A A group thread.

17 Q Okay. And so what kind of information
18 comes through on the group thread?

19 A It can be anything from what we are
20 tasked with for that day, who gets tasked with a
21 search warrant if we have it. And by that I mean,
22 who goes out and does a recon.

23 It could be, "Hey, meet at this place,
24 because we're training. Hey, be at the office,
25 because we have to do this, this, or that." It

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 37

1 just depends.

2 Q Okay. And were you part of the recon
3 team on this -- on this warrant?

4 A I was not.

5 Q Can you kind of tell me what -- were you
6 ever on the recon -- are you ever on a recon
7 team -- sorry. Strike that.

8 In terms of executing warrants, did
9 you -- were you -- not just this warrant, but
10 warrants in general -- were you ever tasked with
11 being part of the recon team?

12 A Yes.

13 Q Okay. But you weren't on this one;
14 correct?

15 A It's not considered a recon -- there's
16 not specific people that do recons. We, as SWAT
17 operators, we all do recons. It just depends on
18 who gets tasked with it.

19 Q Okay. And so -- but on this particular
20 one, you were not tasked with it; correct?

21 A I was not.

22 Q Okay. Prior to meeting at Sam's Town,
23 did you have any interaction with whomever did the
24 recon or any awareness?

25 A Nope.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 38

1 Q Okay. So you get the text message
2 Sunday. You find out that you've got to be at
3 Sam's Town very, very early in the morning; is
4 that fair?

5 A Yes.

6 Q Okay. And did you ever see the warrant?

7 A No.

8 Q Did you ever -- and it's -- I'll ask it
9 duplicatively.

10 Did you ever read the warrant?

11 A No.

12 Q Did you ever have any understanding of
13 what it was you were going in there to look for?

14 A Just people and evidence.

15 Q Okay. And what made you -- what --
16 what -- what foundation did you have -- what were
17 you relayed that made you think that you were
18 looking for people too?

19 A Because there was suspects put on the --
20 on the brief.

21 Q Okay.

22 A So -- so before every warrant, we have a
23 brief, which consists of why we're there, where
24 we're going, apartment or house number, what we're
25 looking for, what the warrant is actually for.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 39

1 But as officers that aren't on the recon
2 team, we're not looking at the -- the warrant.

3 Q And so did you have an understanding of
4 whether this was a property only or an arrest
5 warrant, or did you think it was both?

6 A We had two properties that we were going
7 to search -- that we had search warrants for from
8 homicide, and there's a possibility that the
9 suspects were at either one.

10 Q Okay. And if the suspects had been at
11 either one, they would have been arrested; is that
12 correct?

13 A Yes.

14 Q Okay. And so at -- I guess I'm trying
15 to -- I'll try to phrase my question better.

16 At the time that you were getting ready
17 to execute this warrant, did you have any
18 understanding of whether there was a -- it was
19 just an arrest warrant or it was just a search and
20 seizure warrant? Am I saying that correctly?

21 A A search warrant for property.

22 Q Okay. Did you have any understanding if
23 it was one, both, or --

24 A At the time, I believed it was both,
25 because there was two -- two properties, so -- and

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 40

1 the suspects were associated with both.

2 Q Okay. Did you -- were you -- were you
3 relayed any information that one of the suspects
4 had an ankle monitor?

5 A I believe that may have been brought up
6 in the brief. But that was homicide that was
7 dealing with that portion.

8 Q Okay. And do you have -- and so if
9 you -- and so that's kind of one of the things, is
10 if you remember, you remember. If you don't, then
11 just say "I don't remember."

12 Do you have -- did you have any
13 awareness that they had pinged the -- the ankle
14 monitor shortly before?

15 A For one of them?

16 Q Yes.

17 A I believe so, yes.

18 Q Okay. Did you have any information
19 about what that ping showed up as?

20 A It was somewhere else than the first
21 warrant.

22 Q Okay. And did that -- did you -- and I
23 know sometimes when you're in high-stress
24 situations -- which I'm assuming executing a
25 search warrant is a high-stress situation.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 41

1 A Yeah.

2 Q Sometimes you get information and you
3 just kind of think, "Okay, that's the
4 information," and then sometimes you assess it.

5 When you found out that the -- the guy's
6 ankle monitor had been pinged somewhere else, did
7 you assess that? Like, "Okay. Well, that rules
8 him out for being at the unit." Or was it just,
9 kind of, like, "Okay, that's one piece of
10 information, but I'm still proceeding as if he
11 were in there"?

12 A There's two suspects. So, yeah, I'm
13 proceeding as if somebody is still going to be in
14 there --

15 Q Okay.

16 A -- or other people.

17 I've served search warrants that people
18 were supposed to be in there and nobody was there,
19 and I've served search warrants where nobody was
20 supposed to be in there and there's people in
21 there. So I don't assume anything when it comes
22 to search warrants.

23 Q What's the difference, then, between,
24 like, executing a search warrant and executing an
25 arrest warrant?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 42

1 A Well, you need a search warrant to
2 execute an arrest warrant if somebody is inside.

3 Q Okay. And in this case, it was your
4 understanding that you had a search warrant and an
5 arrest warrant?

6 A Again, I didn't read the search
7 warrants, but that's what I assumed.

8 Q Okay. If it had been a search warrant
9 only, would that have changed anything you had
10 done?

11 A No, because we're still entering the
12 residence.

13 Q Okay. And can you -- I know that you
14 weren't on the recon team, but can you walk me
15 through, what is the purpose of the recon team?

16 A Absolutely. So you get tasked with the
17 recon. You search -- or you read the search
18 warrant. You ensure that everything in the search
19 warrant, as far as information goes, is accurate.

20 So we go out and we ensure that the
21 residence is correct, the numbers are correct, the
22 description of the residence is correct.

23 But also we are looking for whether or
24 not the house has bars on windows. Where are the
25 windows located? How many doors? Is the door

1 barricaded or is it -- does it have a, like,
2 screen on it? And there's various screens.

3 There's a simple screen that is very
4 easy to open up, and then there's barred screens
5 which are very hard to open up. That determines
6 basically what tactics we are going to use in
7 order to execute the search warrant.

8 Q And are there any things that you --
9 you've talked about it a little bit, but I'm going
10 to use the concept of "rule out."

11 Are there any things that you need to
12 rule out in order to make sure that the entry team
13 is safe? And, sorry, not the entry team, but the
14 potential occupants are safe.

15 A Yeah. I mean, you're looking at various
16 instances that -- you know, are we able to use
17 certain tools effectively? Can we surround it?
18 Are we -- you know, is there dogs that we see? Is
19 there any inclination that there's kids or
20 children in the residence, elderly?

21 Just because, again, we're going to
22 utilize various tools, depending on the structure.

23 Q Okay. And as we sit here today, do you
24 have any understanding about there being
25 additional unknowns that -- that the recon team

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 44

1 had not ruled out?

2 A In reference to?

3 Q The door. The brass wrap on the door.
4 Whether there were elderly. Whether there were
5 kids. Whether there was a dog.

6 A From what I gathered from the brief,
7 normally all of that stuff is put down.

8 Q Okay. All right. So you arrive at
9 Sam's Town very early in the morning on Monday
10 morning. We talked about the briefing a little
11 bit.

12 But to the best of your memory, can you
13 walk me through what occurred at the briefing?

14 A Absolutely. So normally at briefings,
15 you look at where you are in stack or what your
16 job is, and then we go through an actual brief.
17 So the recon officers go over what our tasks are,
18 what -- you know, where we're going, who is going
19 to lead, who is driving, what tools we need, and
20 who we're going after or what we're going after.

21 Q Okay. And so to your -- thank you for
22 clarifying for me what the briefing goes over.

23 In this particular instance -- I know it
24 was several years ago, but can you tell me, to the
25 best of your memory, what they discussed in the

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 45

1 brief?

2 A Yes. They discussed a little bit of --
3 I believe homicide discussed a little bit about
4 their case, suspect description, the residences,
5 obviously. The tactics that we're going to use,
6 which, again, is -- that's determined by the
7 assistant team leader and the team leader --

8 Q And do you remember --

9 A -- and the recon officers.

10 Q Do you remember who the ATL, the team
11 leader, and the recon officers were in this
12 instance?

13 A I believe it was -- Jake Werner was the
14 ATL. Garth Findley was the TL, and Kerry Kubla
15 was one of the recon officers. And I also believe
16 that the other one was -- just give me a second --
17 Kia Hoskins.

18 Q Okay. And they went over who was going
19 to do what.

20 What was your role on the team?

21 A I was a -- I was number two entry behind
22 Kubla. I was also a low-lethal officer.

23 Q And what does that means?

24 A It means I carried low-lethal tools,
25 which could be a TASER, which I carry all the

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 46

1 time. In this case, it was a 40 mil -- 40mm
2 less-lethal launcher.

3 Q I'm sorry. What was the last part?

4 A Like, launcher.

5 Q What's a -- what's a -- what's a 40mm
6 less-lethal launcher?

7 A So it's a -- we utilize that tool at a
8 certain distance. It's got basically a foam tip.
9 There's different rounds that we utilize,
10 depending on -- depending on distances and/or what
11 we want to accomplish.

12 Q In this case, you did discharge your
13 weapon; correct?

14 A Firearm.

15 Q Firearm. Sorry.

16 You did discharge your firearm; correct?

17 A Yes.

18 Q You did not discharge any of your
19 low-lethal tools, weapons?

20 A Didn't have an opportunity. I was being
21 shot --

22 Q Okay.

23 A -- and shot at.

24 Q And so you told me that you're number
25 two entry.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 47

1 So what's the purpose of number two
2 entry?

3 A Number two entry is a safeguard to the
4 number one. Meaning that as number one enters,
5 I'm looking for any -- anything that's behind his
6 back or further on into a room, depending on the
7 structure.

8 In this case, I was looking back
9 towards, like, a kitchen/dining room area.

10 Q Okay. All right. So I've been -- we're
11 going to get back to the chronology I said we were
12 going to do before.

13 So you do the briefing. And then if you
14 want to just do it in a full dialogue -- if you
15 want to walk me through, like, "Hey, we did the
16 briefing, and then this is what happened" or you
17 want to cut it up, however you're more comfortable
18 testifying about it.

19 A Yeah, I'll start with the -- the
20 briefing.

21 Show up and look at where my job is.
22 Look who I'm paired up with. Address, description
23 of the address, windows, doors. Is it a, you
24 know, one-bedroom apartment, two-bedroom
25 apartment?

1 And then you go through the actual brief
2 that the recon officers did. They go through what
3 they saw and what the plan is to best execute the
4 search warrant.

5 After that, they go through and ask
6 everybody -- they basically, again, go through
7 what your task is and ask if there's any
8 questions. Once you ask or don't ask questions,
9 depending on the search warrant or whatever you're
10 tasked with, you go and get dressed out.

11 And "dressed out" meaning you don your
12 protective wear, like your heavy vest, helmet.
13 You ensure that your camera is working. You
14 ensure that your radio is working. You ensure
15 that all of your tools are functioning in the
16 sense of, hey, I have a round in the chamber.
17 My -- my magazine is seated correctly.

18 I have the low-lethal tools. The
19 low-lethal tools are operational. Does my light
20 work on my firearm? Does the light work -- or the
21 red dot on my low-lethal work?

22 And then you head to the BearCats.
23 Because they went over where your position is on
24 the BearCat and the route. Once you get on the
25 BearCat, they ensure that everybody is ready to

1 go. If there's people that need to go out and do
2 observation on the apartment or the house, those
3 people are usually sent out early.

4 In this case, I can't remember who it
5 is, but I believe we sent out a two-man team to
6 observe the apartment to see if anybody is coming
7 in or out.

8 Once we get on the BearCat, they say,
9 "Hey, we're ready to go." We turned on our
10 cameras, and we start rolling to the apartment or
11 house or wherever we're serving the search
12 warrant -- serving the search warrant.

13 When we are one minute out from entry,
14 that's where you're basically, like, honing in on
15 what your job is and knowing that, hey, it's
16 coming up. Get ready to disembark off the
17 BearCat.

18 We show up into the apartment complex
19 and head straight to where our drop-off is. We
20 walk up quietly to the apartment, get into
21 positions so everybody is in position. Once we
22 are all in position, then we do our announcements.

23 Once we do a couple of announcements --
24 and it's usually determined at the briefing
25 whether it's, hey, we're going to start to work

1 the door off of the -- you know, the second or
2 third announcement or, hey, off of this
3 announcement, we're going to use a flash bang or a
4 9 bang, depending on every search warrant.

5 In this case, we had a stun stick that
6 goes through the window, which had a flash bang
7 attached to it. We also had a 9 bang that was to
8 be tossed on the outside, all of which -- those
9 help provide us with a little bit of time to
10 safely enter just in case there is people inside
11 or whether or not we know people inside.

12 In this case, we didn't know who or if
13 anybody was inside, but we still used the tactics
14 to safely go in.

15 Officer Hoskins started to work the door
16 with the ram. It took a few hits. During that
17 entire time, we're announcing, "Hey, we're the
18 police. We have a search warrant." Officer
19 Hoskins gets the door open. As Kerry enters, I
20 immediately hear what sounds to be gunshots.

21 I don't go in front of him. I looked
22 behind him, just in case there's anybody that is
23 behind him or us or if anybody is in the dining
24 room. As that happens, I feel Kerry starting to
25 move in a -- in a not normal way, and I'm still

1 hearing gunshots.

2 I feel something hit my right forearm as
3 I perceived to be what was a bullet. As I look
4 over, I see a muzzle flashes. As that's
5 happening, Officer Kubla is starting to move to
6 his left. And at that point, I engage the subject
7 on the couch.

8 As I am engaging, the subject is still
9 shooting. As that happens, I see Officer Kubla
10 fall to the ground. I start to approach slowly to
11 the couch while still rounds from the subject on
12 the couch are being fired.

13 I observe officers to my right starting
14 to engage, so I back up a couple of steps and
15 continue to engage, because rounds are still being
16 fired. When rounds stop, I holster, I look down.
17 Kerry Kubla is bleeding. At the time, I believed
18 that I was also shot in the forearm.

19 And immediately I tend to Officer Kubla,
20 not worried about my forearm at the time. We get
21 Officer Kubla outside, and he is shot in both
22 forearms and one in his leg.

23 I helped to apply a tourniquet. We have
24 tac docs that come with us on every search warrant
25 just in case something like this does happen.

1 They start working on Kerry. At that time, I
2 started self-assessing, along with Sergeant
3 Clarkson, who was driving one of the BearCats.

4 He assessed and notices that I have a
5 perfect circle of a round on my forearm, and my
6 forearm is starting to swell up.

7 Since then, I've had nerve damage, and
8 my pinky stays (indicating) from the nerve damage
9 of that round being hit on my forearm. I tore my
10 labrum pulling Officer Kerry out.

11 And once that happened, everything got
12 shut down because it was a shooting. Medical, I
13 believe -- I wasn't inside, but I believe they
14 attempted medical on Mr. Williams, and he was
15 pronounced deceased on the scene.

16 I was sent to the hospital, got
17 evaluated along with Kerry.

18 MS. MURPHY: I'm going to ask you some
19 follow-up questions on that, but we've been going
20 a little while. We've been going about an hour.

21 Why don't we take just a quick
22 ten-minute break, and we can give the reporter --

23 THE VIDEOGRAPHER: We are going off
24 record at 10:57 a.m.

25 (Whereupon, a recess was taken.)

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 53

1 THE VIDEOGRAPHER: We are back on
2 record at 11:05 a.m.

3 BY MS. MURPHY:

4 Q And so, Brice, before we took a brief
5 break, you walked me through the entire process
6 of -- of executing this search warrant and the
7 officer-involved shooting. I want to kind of loop
8 back and ask you some specific questions about
9 some of it now. And later we'll probably review
10 the video from your body-worn camera as well.

11 A Okay.

12 Q And so there's been some discussion in
13 this case about the brass wrap on the door.

14 Are you familiar with that?

15 A Yes.

16 Q Okay. Can you tell me, as we sit here
17 today, what's your understanding of the issue with
18 the brass wrap on the door?

19 A That the brass wrap adds a little bit
20 more of a rigidity to the door, making it a little
21 bit more difficult to get in.

22 Q And is that something that the recon
23 team should have picked up on, that there was a
24 brass wrap, prior to executing this warrant?

25 A I would say yes.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 54

1 Q Okay. But, in fact, they didn't pick up
2 on it; correct?

3 A No.

4 Q Okay. And there was a delay getting
5 through the door because of that brass wrap;
6 correct?

7 A A delay? I wouldn't say necessarily a
8 delay. I've had warrants where there was no brass
9 wrap, and it took three to four hits to get in
10 still.

11 Q How many hits did it take here?

12 A I believe four.

13 Q Okay. And in your experience as an
14 LVMPD officer, a tactical training -- or a field
15 training officer, a member of the SWAT team, do
16 you think that the amount of time it took to get
17 through the door here was appropriate?

18 A Yes.

19 Q Okay. Do you think a tactical should
20 have been called at all?

21 A No.

22 Q What's a tactical?

23 A A tactical would be there is something
24 that an officer sees that would hinder or disrupt
25 the -- hinder or disrupt the execution of the

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 55

1 search warrant to be safe.

2 Q Okay. And you don't think that the
3 delay of getting the door open here hindered the
4 safety?

5 A No.

6 Q Okay. And would you have been able to
7 call a tactical?

8 A Anybody can call a tactical.

9 Q Okay. And so you talked a little bit
10 about going through -- kind of going through the
11 door.

12 Can you -- can you kind of -- you walked
13 me through what you saw and -- like, in terms of
14 Officer Kubla going down and everything.

15 Can you kind of tell me, like, when you
16 first became aware of gunfire. Was it from the
17 flash of the muzzle, or was it from hearing it?

18 A Hearing it.

19 Q Okay. And in your mind, do you think
20 that there's a distinction -- did you have -- did
21 it take a second to identify what it was, or did
22 you know immediately?

23 A Once I entered the door, yeah, I knew
24 that Officer Kubla was taking fire.

25 Q And so did you know that from the muzzle

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 56

1 flash? From the sound? From seeing him go down?
2 Like, how were you able to immediately assess
3 that?

4 A His body language as we went in and the
5 sound.

6 Q And what was his body language as you
7 went in?

8 A He put himself into a posture and just
9 his movements. Officer Kubla and I have worked
10 together for the entire time that I was in SWAT --

11 Q And so --

12 A -- and he came up the same day as me.

13 Q And what was it about his movements and
14 your familiarity with Officer Kubla that made you
15 know that his body language indicated he was being
16 shot -- that he had been shot?

17 A Based off of his platform, his movements
18 were definitely different than if it was just a --
19 go in and there was nobody inside the room.

20 Q Okay. And so I know sometimes it's hard
21 to paint a picture with words, but you're on video
22 too, so you can -- if you want to use your body to
23 kind of demonstrate to me, that's fine as well.

24 What was it about his movements exactly
25 that was, like, nonstandard that made you think,

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 57

1 like, "Hey, I think he's been shot"?

2 A He pushed a little bit back on me.

3 Q And he'd never done that before?

4 A No.

5 Q And just for the record, you had never
6 been in an officer-involved shooting with Officer
7 Kubla before; correct?

8 A No.

9 Q Okay. All right. And so him just
10 pushing back on you made you know, "Hey, I
11 think" -- made you know -- or made you suspect
12 that he had been shot?

13 A I believed that he was -- what we call
14 "going to work," which means that something has
15 caused him to react differently than he normally
16 would. I was also hearing gunfire.

17 Q And so normally he would keep going. Is
18 it -- you tell me if I'm right or wrong.

19 Based on what you're telling me, what
20 kind of -- I'm putting --

21 A It's a smooth movement through a room.

22 Q Yeah.

23 And the fact that he was recoiling, for
24 lack of a better term, made you know, like, "Hey,
25 he's been" --

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 58

1 A Something was up.

2 Q Okay. And how many -- to your memory,
3 how many announcements were made before you
4 entered the unit?

5 A Numerous, because every officer in the
6 stack was announcing.

7 Q Okay. And as we sit here today, your
8 prior testimony is that you believe that there was
9 17 seconds that elapsed from the -- from the first
10 announcement to entry of the unit; is that
11 correct?

12 A Yes.

13 Q Okay. If I were to represent to you
14 that it was actually six seconds, would that -- or
15 that it could be around six seconds, would that be
16 a surprise to you?

17 A Yes.

18 Q Okay. Had you -- and I know you'd been
19 on SWAT for three years.

20 Had you done this type of search warrant
21 execution -- if I'm saying "execution," is that
22 the right way to describe it?

23 A Uh-huh.

24 Q Okay. Had you done this type of search
25 warrant execution before?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 59

1 A A few hundred times.

2 Q Okay. Had you ever had an outcome like
3 this before?

4 A Not one.

5 Q Okay. Why do you think the outcome here
6 was different than the other instances?

7 A Because of the person on the couch.

8 Q Okay. That's the -- that's the total
9 difference, is that it was Mr. Williams on the
10 couch?

11 A I believe that somebody who is sleeping
12 with a firearm next to them, with an extended mag
13 in an apartment that's associated with homicide
14 suspects, yeah, I don't think that that's a normal
15 person.

16 Q But hadn't you executed -- well, to be
17 clear, Mr. Williams was not a homicide suspect;
18 correct?

19 A No, he was not on the homicide warrant.

20 Q He's not a -- he's not a suspect in any
21 type of homicide; correct?

22 A Unknown.

23 Q Okay. And so hadn't you executed this
24 type of warrant on an actual homicide -- actual
25 homicide suspects before?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 60

1 A I would have to go back and look and see
2 what those warrants were, but I would probably say
3 yes.

4 Q Okay. And so -- okay.
5 How many times did you fire your weapon?

6 A Thirteen times.

7 Q And how do you know that?

8 A Because of my CIRT interview.

9 Q What was it about -- did they inform you
10 in the CIRT interview?

11 A Nope. We download our weapons after a
12 shooting to count the amount of rounds. The
13 reason we do that is just in case -- an example,
14 you fire down the road and there's cars and people
15 and houses. If there is an officer that says,
16 "Hey, I only shot this amount of times," but he
17 shot more, then we've got to look for those extra
18 rounds.

19 Q Okay. And you talked a little bit
20 earlier about your -- the -- the injury that you
21 sustained in this officer-involved shooting.

22 Can you tell me, was the -- the
23 bullet -- do you know what bullet hit you? Let me
24 ask it --

25 A Out of the 18 rounds that were fired?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 61

1 Q As soon as I said the question, I
2 realized that it wasn't a good question. Let me
3 ask it slightly differently.

4 Do you know if it was a -- was it a
5 direct hit?

6 A No.

7 Q Okay. What was it, to the best of your
8 knowledge? I mean, I know that you --

9 A It was a ricochet from Officer Kubla's
10 suppressor.

11 Q Okay. And I'm going to jump around just
12 a little bit.

13 As we -- did you have to do a workers'
14 comp claim because of the nerve damage?

15 A I did a workers' comp claim for my
16 shoulder, my finger, and -- well, my forearm and
17 PTSD.

18 Q Okay. And as we sit here today, are you
19 still receiving treatment for any of those three
20 items that you just mentioned: The labrum, the
21 nerve damage, or the PTSD?

22 A Yes, I still see a therapist for my
23 PTSD.

24 Q Okay. And I want to be delicate in how
25 I ask these questions. I want to be respectful of

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 62

1 what you've gone through, and I don't want you to
2 feel like I'm not understanding or trying to be
3 sensitive to it.

4 Can you -- to the best of your ability
5 and however you're comfortable, can you kind of
6 explain to me what it is about this incident that
7 has you still struggling with PTSD a few years
8 later?

9 A It's traumatic. You're dealing with
10 people's lives. I saw a partner that came up with
11 me the same day, who I worked with every day
12 because we were on the same squad, and I saw him
13 bleeding out. And I saw him pass out, and I
14 thought he died.

15 And I took a human life. And that's
16 tough. And you have the residual damage of
17 something that I can see every day, which is a
18 memory that something traumatic happened.

19 Q And where -- you're on camera, but I
20 just want to make sure. You say you have the
21 residual damage that you can see every day.

22 Are you referring to the ongoing nerve
23 damage that you have in your hand?

24 A My pinky, yeah.

25 Q Okay. Has that --

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 63

1 A And -- and constant pain in my shoulder.
2 Even though it's fixed, you still always will have
3 pain.

4 Q And so you have -- so you have -- so
5 okay. So you have chronic pain in your shoulder;
6 is that correct?

7 A Uh-huh.

8 Q On a scale of one to ten, where would
9 you put that pain scale?

10 A Depending on the day, depending on the
11 workout, anywhere from a one to a three.
12 Sometimes maybe a little bit higher than that.

13 Q Okay. And so is it fair -- based on
14 what you've just testified to, I'm assuming that
15 that also is a constant reminder of this incident;
16 is that correct?

17 A Absolutely.

18 Q Okay. And so as we sit here today, you
19 know, some of the other officers have testified
20 that they were unaffected long-term by this
21 incident.

22 My understanding of your testimony --
23 and you tell me if I'm right or wrong -- is that
24 you were deeply affected by this incident; is that
25 correct?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 64

1 A Yes.

2 Q And you continue to be affected by it
3 to -- to this day; correct?

4 A Those officers didn't see Officer Kubla.
5 They were still inside. So I can't attest to
6 whether or not -- what their affectedness is, but
7 I can tell you that I was affected.

8 Q Okay. And we talked about it a little
9 bit earlier. In terms of -- when you went through
10 the door, did you assess the information, or did
11 you think the person in the unit must be one of
12 the murder suspects we're looking for? Did you
13 even go through that, or were you just reacting to
14 your --

15 A I was reacting to somebody firing their
16 weapon or firing a weapon at not only me,
17 Officer Kubla, and the other members of the entry
18 team, to include out the window.

19 Q Do you have guilt over Mr. Williams'
20 death?

21 A Guilt?

22 Q Yeah.

23 A No. I did what I had to do to protect
24 not only my life, but the lives of my team
25 members.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 65

1 Q But you're still affected by having
2 taken a human life; is that correct?

3 A I don't think that you go through life
4 and that is not something that is affected. I --
5 I am affected by taking somebody's life, yeah.
6 It's not what I signed up to do this job. But I
7 know that that's part of the job, and I did what I
8 needed to do.

9 Q Okay. And we've kind of jumped around a
10 little bit, but I want to confirm, as we sit here
11 today, despite this outcome, is there anything
12 that you would have done differently?

13 A No.

14 Q Okay. And so I'm going to give you the
15 legal element for knock and announce. And this is
16 from page 133 of the CIRT report. Open quote, "If
17 after notice of his authority and purpose of an
18 officer is refused admittance," close quote.

19 Prior to entering into the unit, what
20 did Mr. Williams do to refuse admittance while the
21 door was closed?

22 A Reask the question.

23 Q Sure.

24 Was there any indication, prior to going
25 through the door, that Mr. Williams was going to

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 66

1 refuse entry?

2 A At the time, no.

3 Q Okay. Do you think that Mr. Williams
4 had sufficient time to indicate whether he would
5 or would not allow entry?

6 A Yes.

7 Q Why do you -- do you think that -- and
8 why do you think that?

9 A Because the police are announcing
10 outside, they give the apartment number, and that
11 it's a search warrant.

12 Q Okay. So what could Mr. Williams have
13 done from inside the unit within those few seconds
14 to indicate that he would or wouldn't -- what
15 could he have done to either allow or deny entry?

16 A I mean, sufficient time to possibly come
17 to the door or be compliant.

18 Q So you think that Mr. Williams had
19 enough time to wake up, get up, and walk to the
20 door to allow the police entry?

21 A Based off the 17 and a half seconds,
22 yes, or comply.

23 Q What about six seconds?

24 A I think that's enough time to understand
25 that the police are outside your door.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 67

1 Q Okay. As we sit here today -- this is
2 my only opportunity to talk with you, absent
3 trial.

4 As we sit here today, is it your
5 intention to -- if we go to trial, is it your
6 intention to appear at trial and testify that it
7 is your opinion that Mr. Williams knew it was
8 police officers coming through the door?

9 A Yes.

10 Q What's that based on?

11 A Based off the numerous announcements,
12 based off early morning and normal people don't --
13 meaning the public don't inset a stun stick with a
14 flash bang on it.

15 Q What's the purpose of a stun stick?

16 A Provide time for the officers, but also
17 to stun anybody on the inside to make it not only
18 safe for them, but safe for us in a sense of if
19 somebody wants to grab a firearm or attempt to
20 grab a firearm, they're stunned and/or blinded
21 temporarily.

22 Q They would also be confused; correct?

23 A I mean, you would have to ask somebody
24 who has experienced that.

25 Q I'm asking you as a police officer

1 that's executed hundreds of these warrants and has
2 done CET, has done surround and call-outs, has
3 used these distraction devices, is it your
4 experience as a police officer that sometimes
5 people are confused by use of these distraction
6 devices?

7 A I mean, you want them to be distracted.
8 So I guess, yes, confusion could be a word used.

9 Q Okay. Do you think confusion would make
10 it difficult for somebody to assess clearly that
11 it's being announced that police officers are
12 seeking entry into a unit?

13 A In this case, no, because we announced
14 numerous times outside, including using a
15 bullhorn. And it's 5:00 in the morning and it's
16 very quiet. There's not, you know, kids yelling,
17 traffic going by. It's very quiet, and it was
18 very quiet up until we announced.

19 Q What if the person is sleeping?

20 A The people upstairs were also sleeping,
21 and they were woken up.

22 Q They didn't have their windows broken
23 open though, did they?

24 A We didn't break the windows until after
25 we made announcements.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 69

1 Q How many announcements do you think you
2 made before the window was broken open?

3 A I couldn't tell you.

4 Q What if I represented to you it was half
5 of one?

6 A I don't think that that -- again, I
7 couldn't tell you what the amount of time was.

8 Q Okay. And just to loop back to your
9 earlier testimony, you've never received training
10 that you had to wait a certain amount of time
11 before -- before entering on a knock and announce;
12 correct?

13 A We -- we were trained to give a couple
14 of announcements. That depended on the ATL, or
15 assistant team leader, and the TL, based off of
16 the search warrant, based off of, you know,
17 whatever deemed necessary through the recon.

18 Q Okay. And we talked about it a little
19 bit earlier. We talked about it a little bit
20 earlier in terms of -- you said, you know, wished
21 for and you talked about, hey, there's different
22 circumstances that go into these entries and what
23 you're supposed to do.

24 Do you have any understanding that
25 there's a standard for a reasonable time based on

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 70

1 the items that are sought?

2 A I know that there's a reasonable time.

3 I didn't -- I couldn't tell you if the Supreme

4 Court has defined what that time is.

5 Q Okay.

6 A Just "reasonable."

7 Q All right. What if I told you that

8 there's a case that indicated that a reasonable

9 response time would also be linked to what type of

10 evidence they're seeking?

11 A Okay.

12 Q Okay. And so I'm going to read to you a

13 snippet from case -- a case that was cited in the

14 CIRT report. It said, "After 15 to 20 seconds

15 without a response, officers could fairly have

16 suspected that Banks would flush away the cocaine

17 if they remained reticent." And that's from

18 page 133 of the CIRT report.

19 As we sit here today, you didn't think

20 that you guys were seeking anything that could

21 have been easily destroyed; correct?

22 A That referenced drugs. I don't believe

23 we were looking -- I couldn't tell you what -- if

24 that was --

25 Q Let me ask the question, though -- let

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 71

1 me ask the question a little more artfully.

2 If I have a bag of cocaine, I can flush
3 it down the toilet. I probably can't flush a gun
4 down the toilet; correct?

5 A No, you can't flush a gun down the
6 toilet.

7 Q Right. And so it was your
8 understanding -- I understand that you didn't look
9 at the search warrant, but that you had a basic
10 concept of what you guys were looking for;
11 correct?

12 A Uh-huh.

13 Q And so you guys -- as -- sorry. I
14 shouldn't say "you guys."

15 You, Brice, didn't have a concern about,
16 hey, we need to get in there in a certain amount
17 of time, because there's potentially evidence on
18 the other side of this door that they could
19 destroy?

20 A No. We used the CET tactic to be safe,
21 not only for officers, but for people inside.

22 Q In this instance, the CET wasn't safe
23 for the person inside or the officers; correct?

24 MR. ANDERSON: Objection. Form.

25 Go ahead.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 72

1 THE WITNESS: Well, there was another
2 person inside who didn't come out firing at us.

3 BY MS. MURPHY:

4 Q That wasn't my question though.

5 My question was, in this instance, the
6 CET wasn't safe for the officers or for the
7 person -- or for Mr. Williams; correct?

8 MR. ANDERSON: Same objection.

9 THE WITNESS: This would be the first
10 time in my time in SWAT -- and I believe even
11 years prior -- that we executed a CET warrant and
12 somebody fired at us.

13 BY MS. MURPHY:

14 Q Okay. So that doesn't quite answer the
15 question I asked.

16 My question was, in this --

17 A It's the safest tactic at the time.

18 Q Okay. It wasn't safe in this instance,
19 was it?

20 A Well, I mean, that -- I would say that
21 that's kind of Monday-morning quarterbacking. At
22 the time, that was the safest, and I would use the
23 same tactic again today.

24 Q But you can't use the same tactic again
25 today, can you? Haven't they -- hasn't LVMPD

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 73

1 changed their policy so you could not use a CET on
2 this kind of search warrant anymore?

3 A Again, that's not a decision that I
4 made.

5 Q Okay.

6 A And I can't say what happens after that.
7 At the time, that was the best tactic at the time.

8 Q Okay. And I understand the distinction
9 between best and safest, but I'm going to ask you
10 to answer my question.

11 A Yes. Go ahead.

12 Q Was this safe for Officer Kubla?

13 A It's the safest tactic used and utilized
14 at the time.

15 Q Okay. You're not answering my question.
16 I'm going to ask it again.

17 Was this safe for Officer Kubla, yes or
18 no?

19 A I mean, he got shot, yes. So safe?
20 That's kind of a weird question, I -- I would say.
21 In my opinion, I believe Officer Kubla, even being
22 shot, would have said that's the safest tactic to
23 utilize.

24 Q Okay. Do you think that being shot is
25 safe?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 74

1 MR. ANDERSON: Objection. Form.

2 THE WITNESS: We get shot at every
3 day. So, you know, that's -- as a police officer,
4 and especially being a SWAT officer, yeah, there's
5 the notion that you might get shot at. And I have
6 been.

7 BY MS. MURPHY:

8 Q Okay. I'm asking you one -- I'm going
9 to ask you again.

10 Was Officer Kubla being shot at safe for
11 Officer Kubla?

12 A Well, no. I don't think being shot at
13 is safe at all.

14 Q Okay. And so was Mr. Williams being
15 killed inside that apartment, was that safe for
16 him?

17 MR. ANDERSON: Objection. Form.

18 THE WITNESS: He shot first.

19 BY MS. MURPHY:

20 Q That wasn't my question.

21 A Okay. What do you -- what is your
22 question again?

23 Q Was Mr. Williams being killed inside
24 that apartment safe for him?

25 A I mean, he got shot and he died, so, you

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 75

1 know, his own personal safety, I guess no, it
2 wasn't safe.

3 Q Okay. I'm going to read you some other
4 conclusions from the CIRT report, and I'm going to
5 ask your opinion about them.

6 So -- and this is from page 215, 3.6.
7 CIRT concluded, "While the SWAT section manual
8 contained verbiage allowing for SWAT operators to
9 conduct a CET for property when there is a threat
10 of an armed and dangerous subject, it was not
11 appropriate, given the amount of unknowns
12 associated with Apartment 1125.

13 "There were numerous amount of unknown
14 factors, to include who was actually staying in
15 the apartment and if there were children, elderly,
16 or vulnerable individuals present inside the
17 apartment. SWAT's decision to serve the 3050
18 South Nellis Boulevard search warrant as a CET was
19 a policy/training failure and not within the
20 standardized LVMPD tactics training and policy."

21 A Okay.

22 Q Okay. It's a -- it's a loaded
23 statement, and there's a lot in there, and so I
24 want to ask you, Brice, your opinion on CIRT's
25 conclusion.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 76

1 A That's an after-the-fact -- after the
2 fact. I believe that the people making those
3 decisions are the lieutenant and captain, and also
4 in conjunction with homicide.

5 Q I'm sorry. In conjunction with what?

6 A Like, homicide detectives.

7 Q Okay.

8 A Because they're the ones that got the
9 search warrant.

10 Q And so I think I understand what you
11 mean by that, but I'm going to ask you to draw it
12 out a little bit more.

13 You don't agree with that conclusion, do
14 you?

15 A Which part?

16 Q The part that -- well, yeah, let's break
17 it up. So we'll start at the bottom.

18 That serving -- that serving the search
19 warrant as a CET was a policy/training failure, do
20 you agree or disagree with that statement?

21 A I disagree. I believe that the CET at
22 the time was the best tactic to use.

23 Q Okay. And what about CIRT's conclusion
24 that the -- it was not within standardized LVMPD
25 tactics training and policy?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 77

1 A I would have to see what training
2 tactics and policy they're referring to.

3 Q Don't you already know as a SWAT
4 officer?

5 A Our training policy and tactics --

6 Q Regarding --

7 A -- with the department --

8 Q Yes.

9 A -- is like 1500 pages, and it's even
10 more -- no, I don't know it by heart.

11 Q What about for a CET?

12 A In reference to the CET, what are you
13 asking?

14 Q That they're saying that serving this as
15 a -- serving this search warrant as a CET was not
16 within LVMPD tactics training and policy.

17 A I disagree.

18 Q Okay. And then let's also talk about
19 the amount of unknowns, that there was -- that
20 the -- and this is the CIRT conclusion, that there
21 were the unknown factors to include who was
22 actually in the apartment, if there were children,
23 elderly, vulnerable individuals.

24 As a SWAT officer, did you think that
25 there was a failure to have not assessed any of

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 78

1 those?

2 A I wasn't on the recon.

3 Q Okay. And so I know that you weren't on
4 the recon, so I'm not asking you to talk about
5 your -- I understand you're not on the recon.

6 But having been the officer that was
7 number two in the stack, seeing officer go --
8 Officer Kubla go down, do you think the recon team
9 ought to have ruled those out or known those
10 before you guys went in there?

11 A I mean, even if they did rule those out,
12 I don't think the outcome would have changed.

13 Q So even if they had known who was in the
14 apartment, you don't think the outcome would have
15 changed?

16 A Based off of our tactics at the time, we
17 still would have conducted a CET.

18 Q Okay. I'm going to read you another --
19 another conclusion. This is Conclusion 3.8, page
20 216. "Under the conditions present here, six
21 seconds was insufficient to allow occupants time
22 to answer the door, let alone submit to a search."

23 Do you think that six seconds was enough
24 time to answer the door or submit to a search?

25 A Yes, I believe that's a reasonable time.

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 79

1 Q Okay. I'm going to ask you about
2 Conclusion 3.9. "Officers immediately lost the
3 elements of a CET, of utilizing speed to surprise
4 and overwhelm the suspect, per their manual, by
5 being stuck at the door and hitting it multiple
6 times prior to entering the residence."

7 Do you agree or disagree with that
8 statement?

9 A I disagree. And I'll say that I've been
10 on numerous CETs where it took more than one hit
11 to get through the door, and we still executed it
12 as a CET.

13 Q Okay. And then from page 220, "CET only
14 to be utilized when a no-knock search warrant is
15 approved by the LVMPD and has judicial
16 preapproval."

17 Now, you and I talked about it. As we
18 sit here today -- as we as you sit here today,
19 you're not aware of any policy change; correct?

20 A Reference to?

21 Q Allowing a CET to be used on a -- on a
22 knock-and-announce warrant.

23 A I believe that the department went away
24 from CETs and utilized a different tactic.

25 Q As a result of this incident; correct?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 80

1 A Yes.

2 Q Okay. And so then I'm going to read you
3 the Conclusion 5.5. "CIRT and SMEs concluded
4 Lieutenant O'Daniel did not use proper discretion
5 when she approved the use of a stun stick through
6 the west-facing window."

7 Do you think that use of the stun stick
8 through the west-facing window was appropriate?

9 A Yes.

10 Q Why?

11 A Because it allows a little extra time
12 for officers to be safe, make a safe entry. And,
13 again, the -- the stun stick is used to disorient
14 anybody who is on the inside. Which is safe for
15 them, because it usually means that they don't
16 grab a weapon.

17 Q Okay. Lieutenant -- and I'll -- this
18 was another part of it. "Lieutenant O'Daniel's
19 management of tactics for the requested approval
20 of tactics and tools, as the tactical commander,
21 was not within standardized LVMPD tactics training
22 and policy."

23 Do you have a position on whether or not
24 Lieutenant O'Daniel's approval was within the
25 standardized LVMPD tactics training and policy?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 81

1 A I do not have an opinion on that.

2 Q All right. 5.6, "Captain Cole and
3 Lieutenant O'Daniel should have recognized the
4 unknown factors involved in this case and assured
5 their team utilized the proper tactics when
6 serving the search warrant.

7 "Captain Cole and Lieutenant O'Daniel's
8 approval of homicide IAP and search warrant for
9 the use of the SWAT service was not within
10 standardized LVMPD tactics training and policy."

11 Do you have any opinion on that?

12 A No opinion.

13 Q Conclusion 9.7, page 220, "CIRT
14 recommends SWAT structure new training to be in
15 line with case law and national standards."

16 Did you ever undergo any updated
17 training to -- from your understanding, that was
18 to be in line with case law or national standards?

19 A They were going through a process as I
20 was off for five months from the shooting, while I
21 was testing for sergeant, which was a, like,
22 two-month process. And then I had shoulder
23 surgery.

24 But, yes, they were starting to revamp
25 things while I was there. And then I left, so I

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 82

1 couldn't tell you exactly what they do now.

2 Q You had a lot going on. Is that fair to
3 say?

4 A Yes.

5 Q Yeah. Okay.

6 Do you think that they should have used
7 an explosive device on the door?

8 A No opinion on that.

9 Q No opinion on that?

10 A No.

11 Q Because in your CIRT statement, you
12 actually said "no."

13 So now your position is no opinion?

14 A Using an explosive breach I do not
15 believe would have changed the outcome.

16 Q Okay.

17 A I don't make those decisions on the
18 explosive breach. That is the ATL, the TL, and
19 the officers on the recon.

20 Q And so my understanding, Brice -- and
21 you tell me if I'm right or wrong. Kind of what
22 I've learned through deposing some other officers
23 is although those types of tactics and, you know,
24 what they should or shouldn't use are developed by
25 the ATL and the team leader, that part of the

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 83

1 briefing is if anyone has an issue or thinks
2 anything should be done differently, they're
3 supposed to voice their concerns; correct?

4 A Yes.

5 Q And when you went through the briefing
6 and you had all of the information, I'm assuming
7 that you didn't voice any concerns; correct?

8 A I was confident with the plan.

9 Q Okay. And I know that you went over it
10 in your CIRT statement, but I just want to
11 confirm. As we sit here today -- you've testified
12 to it over and over again, but I just want a plain
13 statement about it.

14 As we sit here today, knowing everything
15 that we know, everything that's happened to you,
16 you still wouldn't do anything differently;
17 correct?

18 A No.

19 MS. MURPHY: Okay. If we -- can we go
20 off the record?

21 THE VIDEOGRAPHER: One moment.

22 We are going off record at 11:41 a.m.

23 (Whereupon, a recess was taken.)

24 THE VIDEOGRAPHER: We are back on
25 record at 11:55 a.m.

1 BY MS. MURPHY:

2 Q And so just so the record reflects, we
3 watched a portion -- a couple of different
4 portions of the video. There were some issues
5 downloading it, but we did watch the portion of
6 the video where, Brice, you come up to the door,
7 the announcements are made, and then there's entry
8 into the unit; correct?

9 A Correct.

10 Q Okay. And you had watched that video,
11 as well, in preparation for today's deposition;
12 correct?

13 A Yes.

14 Q Okay. So there wasn't anything that
15 jogged your memory or you didn't remember, because
16 you recently watched that entire video?

17 A Yes.

18 Q Okay. And so your video, your body-worn
19 camera, you are -- you were, like, number two
20 behind Officer Kubla entering into the unit;
21 correct?

22 A Correct.

23 Q So you're -- if I understand the actual,
24 like, physical layout of the building, it's kind
25 of like a little entryway; correct?

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 85

1 A Correct.

2 Q Okay. And then, like, for instance, the
3 other officer -- and now I can't remember his
4 name -- oh, Officer -- Sergeant Backman, he made
5 the announcements. He was kind of around the
6 corner a little bit; correct?

7 A He was number six in the stack, if I
8 remember correctly.

9 Q So he wasn't in that little, tiny front
10 alcove with you; right? If you don't remember,
11 that's fine.

12 A I don't -- I couldn't tell you how far
13 back he was, based off of spacing. I just know
14 that he was number six in the stack.

15 Q Fair enough.

16 And then the other -- there was also an
17 officer kind of around on the side where the
18 window was; correct?

19 A Yes.

20 Q But that was on the other side of the
21 unit from you; correct?

22 A There was an officer that had a shield
23 on the window next to the front door, and then
24 there was a team of officers on the other side.

25 Q Okay. And they were at the side -- kind

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 86

1 of the side wall where there was another window
2 leading into the unit; correct?

3 A Correct.

4 Q Okay. All right. Do you think that
5 Mr. Williams' constitutional rights were violated
6 here?

7 MR. ANDERSON: Objection. Form.
8 Go ahead.

9 THE WITNESS: No.

10 MS. MURPHY: I don't think I have
11 anything else to ask.

12 Craig, do you have any follow-up
13 questions?

14 MR. ANDERSON: No questions.

15 MS. MURPHY: All right. Thank you
16 very much, Brice.

17 THE WITNESS: Appreciate it.

18 THE VIDEOGRAPHER: This concludes the
19 video-recorded deposition of Brice Clements taken
20 on October 7, 2024. We're going off record, and
21 the time is 11:57 a.m.

22 THE COURT REPORTER: Counsel, do you
23 need a copy of the transcript?

24 MR. ANDERSON: Yes.

25 (The deposition concluded at 11:57 a.m.)

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 87

1 CERTIFICATE OF COURT REPORTER

2 STATE OF NEVADA)
 3) ss:
 4 COUNTY OF CLARK)

5 I, Heidi K. Konsten, Certified Court Reporter
 6 licensed by the State of Nevada, do hereby certify
 7 that I reported the deposition of BRICE CLEMENTS,
 8 commencing on October 7, 2024, at 10:04 a.m.

9 Prior to being deposed, the witness was duly
 10 sworn by me to testify to the truth. I thereafter
 11 transcribed my said stenographic notes via
 12 computer-aided transcription into written form,
 13 and that the transcript is a complete, true and
 14 accurate transcription and that a request was not
 15 made for a review of the transcript.

16 I further certify that I am not a relative,
 17 employee or independent contractor of counsel or
 18 any party involved in the proceeding, nor a person
 19 financially interested in the proceeding, nor do I
 20 have any other relationship that may reasonably
 21 cause my impartiality to be questioned.

22 IN WITNESS WHEREOF, I have set my hand in my
 23 office in the County of Clark, State of Nevada,
 24 this October 21, 2024.

25

Heidi K. Konsten
 Heidi K. Konsten, RPR, CCR No. 845

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Page 88

1 DECLARATION OF DEPONENT

2 I, BRICE CLEMENTS, deponent herein, do
 3 hereby declare under penalty of perjury that I have
 4 read the within and foregoing transcription of my
 5 testimony taken on October 7, 2024, at Las Vegas,
 6 Nevada, and that the same is a true record of the
 7 testimony given by me at the time and place
 8 hereinabove set forth, with the following
 9 exceptions:

10

11 ERRATA SHEET

12 PAGE LINE SHOULD READ: REASON FOR CHANGE:

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Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

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25				

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

1	2007 16:11,14	30- 8:6	A	83:13	58:14
1 6:13,15	2008 16:12	3050 75:17	a.m. 12:15	above 25:24	75:14
10:57 52:24	2009 18:1	4	52:24	26:14	77:22
10th 14:14	2022 14:14	40 8:5 46:1	53:2	33:14	82:12
1125 75:12	22:18	40-minute 8:6	83:22,25	absent 67:2	additiona l
11:05 53:2	23:1	40mm 46:1,5	86:21,25	Absolutel y	address 47:22,23
11:41 83:22	2023 17:18	4:30 12:13	ability 7:14 62:4	23:2	adds 53:19
11:55 83:25	2024 86:20	5	able 7:10	25:21	admittanc e
11:57 86:21,25	215 75:6	5.5 80:3	33:10,16	27:7	affected 65:18,20
13 13:12	216 78:20	5.6 81:2	34:4	28:2,7	63:24
133 65:16	220 79:13	5:00 68:15	43:16	42:16	64:2,7
15 70:14	23 13:12	6	55:6 56:2	44:14	65:1,4,5
1500 77:9	24/7 14:24	7	about 7:23	63:17	affectedn ess
17 23:18,20	2:00 14:20	7 86:20	10:21	academy 18:1,10	64:6
58:9	2:24-cv- 00074	9	11:5	20:3	after 22:4 23:5
66:21	5:20	9 27:15	14:13	accepting 15:15	44:20
18 60:25	3	9.7 81:13	24:25	accomplis h	48:5
18th 17:25	3.6 75:6		25:2 28:9	46:11	60:11
2	3.8 78:19		29:21,23	accurate 15:6	65:17
20 70:14	3.9 79:2		33:8	42:19	68:24
	30 8:5		35:12	accuratel y	70:14
			36:3	13:20	73:6 76:1
			40:19	actual	after- the-fact
			43:9,24	7:20	76:1
			44:10	10:16	again 34:2,16
			45:3	22:3	42:6
			47:18	25:16	43:21
			51:20	44:16	45:6 48:6
			52:20	48:1	69:6
			53:8,13	59:24	72:23,24
			55:10	84:23	73:3,16
			56:13,24	actually	74:9,22
			60:9,20	12:23	80:13
			62:6 64:8	19:14	83:12
			66:23	20:7 25:3	
			69:18,19,	38:25	
			21 71:15		
			75:5		
			76:23		
			77:11,18		
			78:4		
			79:1,17		

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

ago	31:21	69:7,10	58:3	47:5 48:7	75:12,15,
8:11	75:8	71:16	67:11	59:20	17 77:22
32:13	79:21	75:11,13	68:25	61:19	78:14
44:24	allows	77:19	69:1,14	65:24	appear
agree	80:11	and/or	84:7 85:5	69:24	67:6
10:5	almost	21:7	announcin	77:25	apply
27:23	14:22	46:10	g	79:19	7:5 51:23
28:3	along	67:20	28:21	81:11,16	Appreciat
76:13,20	52:2,17	Anderson	29:4	83:7	e
79:7	already	7:19	50:17	86:12	86:17
agreement	13:6 20:2	11:10	58:6 66:9	anybody	approach
10:7	77:3	26:16,20	another	49:6	51:10
ahead	also	27:7	72:1	50:13,22,	appropria
71:25	16:20	71:24	78:18,19	23 55:8	te
73:11	20:12	72:8	80:18	67:17	33:5
86:8	22:1 27:9	74:1,17	86:1	80:14	54:17
alcove	28:3	86:7,14,	answer	anymore	75:11
85:10	33:14	24	26:17,18	73:2	80:8
Alex	42:23	ankle	29:20	anyone	approval
9:15	45:15,22	40:4,13	72:14	83:1	80:19,24
Alexander	50:7	41:6	73:10	anything	81:8
5:18	51:18	announce	78:22,24	10:17	approved
all	57:16	20:21	answering	11:7	79:15
8:25	63:15	22:14,20,	73:15	18:24	80:5
15:20	67:16,22	21 23:6,	answers	36:19	approxima
16:1	68:20	24,25	11:3 12:5	41:21	tely
31:24	70:9 76:3	24:1,4	any	42:9 47:5	8:3,5,11
33:10	77:18	29:3,12	7:9,13	65:11	18:3,5
37:17	85:16	34:20,24	8:17 9:5,	70:20	21:5
44:7,8	although	35:1,7,22	10 10:2,	83:2,16	23:17
45:25	28:24	65:15	19 14:1	84:14	area
47:10	82:23	69:11	15:22	86:11	47:9
48:15	always	announced	17:1	anywhere	armed
49:22	26:17	68:11,13,	19:12	63:11	75:10
50:8	30:5	18	23:3	apartment	around
54:20	31:13	announcem	24:12,13,	25:20,23	23:17
57:9 70:7	63:2	ent	14 27:20	26:8,9,10	58:15
74:13	amended	24:9	32:2	30:10	61:11
81:2 83:6	6:11	32:2,3	34:10,19,	33:5,11,	65:9
86:4,15	Amendment	50:2,3	21 35:21	12,14	85:5,17
allow	24:16	58:10	37:23,24	38:24	arrest
25:7	amount	announcem	38:12	47:24,25	39:4,19
66:5,15,	23:4,15	ents	39:17,22	49:2,6,	41:25
20 78:21	54:16	24:15	40:3,12,	10,18,20	42:2,5
allowing	60:12,16	25:24	18 43:8,	59:13	
		49:22,23	11,19,24	66:10	
			46:18	74:15,24	

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

arrested 39:11	77:3,14, 15,24	56:2 64:10	37:22 38:2	authority 65:17	bag 71:2
arrive 44:8	79:12,17, 18,25	68:10	39:2,9, 10,14,16,	aware 36:10	bang 50:3,4,6, 7 67:14
artfully 71:1	80:20	assessed 52:4	24 41:8	55:16	
as 6:13	81:19	77:25	43:15	79:19	banger 27:15
8:15,20	83:11,14	assessmen t	44:8,13, 14,15	awareness 36:5	Banks 70:16
12:10,12	ask 6:10	31:16	46:7,23	37:24	
13:13	10:25	assistant 45:7	47:21	40:13	barred 43:4
20:19	11:4 14:8	69:15	49:24	away 70:16	barricade d
21:1,2	16:2,7	associate 's	51:6,17, 20 52:1, 24 53:2	79:23	43:1
22:14,25	17:5	16:20,24, 25	54:20	awkward 18:13	bars 42:24
25:10	22:11,13, 16 27:2	associate d	64:16	B	based 31:18
26:12	28:9,17,	40:1	66:2 67:6	B-R-I-C-E 6:2	33:7
27:22	22 29:22	59:13	71:9	BA 16:17	34:8,13, 25 35:19
29:23	36:2 38:8	75:12	72:2,12, 17,21	bachelor' s	56:17
31:2,17,	48:5,7,8	assume 41:21	73:7,14	16:4	57:19
18 32:4,	52:18	assumed 42:7	74:2,5, 10,12,13	back 8:12	63:13
21 33:21,	53:8	assuming 22:24	76:17,21	30:24	66:21
25 34:13	60:24	26:4	78:16	47:6,8,11	67:10,11, 12 69:15,
35:12,21	61:3,25	40:24	79:5	51:14	16,25
37:16	67:23	63:14	83:22,25	53:1,8	78:16
39:1	70:25	83:6	85:25	57:2,10	85:13
40:19	71:1	assured 81:4	86:25	60:1 69:8	basic 71:9
41:10,13	73:9,16	at 8:3,25	ATL 45:10,14	83:24	basically 13:2 43:6
42:19	74:9	14:8,16, 21 16:21	69:14	85:13	46:8 48:6 49:14
43:23	75:5,24	22:18	82:18,25	backgroun d	Basin 16:21
47:4	76:11	23:16,18, 20 30:22	attached 50:7	14:7 16:2	Bearcat 48:24,25 49:8,17
50:19,24	79:1	31:1	attempt 67:19	17:23	Bearcats 33:16 48:22
51:2,3,4, 8,9	86:11	33:4,7	attempted 52:14	19:16	
53:10,16	asked 11:15	35:11	attest 64:5	Backman 85:4	
54:13	24:24	36:23,24	attorney 6:25	backwards 33:23	
56:4,6, 12,23	72:15		attorney- client		
58:7	asking 10:14		7:24		
61:1,13, 18 63:18	28:13				
65:10	33:23				
67:1,4,25	35:17,18				
68:4	67:25				
70:19	74:8				
71:13	77:13				
74:3	78:4				
75:18	assess 41:4,7				
76:19					

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

52:3	behind	25:3 29:2	84:18	briefing	13 44:12,
became	33:13	31:5	both	44:10,13,	24 49:5
55:16	45:21	33:20	30:3	22 47:13,	50:13
because	47:5	34:20	39:5,23,	16,20	52:13,19
15:12	50:22,23	35:10,22	24 40:1	49:24	54:1
16:8	84:20	41:23	51:21	83:1,5	56:21
18:14	believe	73:9	bottom	briefings	59:16
24:10,22	8:2,9	biochemis	76:17	44:14	60:2,16
25:23	14:20	try	Boulevard	briefly	62:19
26:1	21:8 31:2	16:5	75:18	17:15	64:6,24
27:3,9	32:1,9,24	bit	brass	broken	65:1,6,10
28:23	34:19	10:15	44:3	27:10	67:16,18
30:20	35:23	19:3	53:13,18,	68:22	71:9,21
31:6,9	40:5,17	24:24	19,24	69:2	72:24
36:24,25	45:3,13,	32:16	54:5,8	brought	73:9
38:19	15 49:5	33:12	breach	8:14 40:5	76:11
39:25	52:13	35:15	82:14,18	building	78:6
42:11	54:12	43:9	break	84:24	81:24
43:21	58:8	44:11	52:22	building/	83:10,12
48:23	59:11	45:2,3	53:5	residence	84:5
51:15	70:22	50:9	68:24	22:22	85:20
52:12	72:10	53:19,21	76:16	bullet	by
54:5 58:5	73:21	55:9 57:2	Brice	51:3	5:13
59:7 60:8	76:2,21	60:19	5:17,22,	60:23	6:16,25
61:14	78:25	61:12	23 6:1,4,	bullhorn	11:13
62:12	79:23	63:12	12 8:22	68:15	19:25
66:9	82:15	64:9	14:6 16:1	business	22:7
68:13	believed	65:10	26:12	33:13	23:10
71:17	39:24	69:19	28:8 30:4	but	26:3 27:8
76:8	51:17	76:12	31:4 36:1	7:24	34:7
80:11,15	57:13	85:6	53:4	14:10	36:8,21
82:11	belong	Bits	71:15	15:21	45:6 53:3
84:15	17:7	9:24	82:20	19:4	63:20,24
become	below	blame	84:6	20:12,23	64:2
36:10	33:12	31:24	86:16,19	21:1,5,23	65:1,5
before	best	bleeding	brief	23:8,20	68:5,17
6:22 18:6	7:11 12:5	51:17	10:10	28:11	72:3,13
21:3 23:4	44:12,25	62:13	38:20,23	29:23	74:7,19
31:12	48:3 61:7	blinded	40:6	33:25	76:11
38:22	62:4	67:20	44:6,16	37:9,13,	77:10
40:14	73:7,9	body	45:1 48:1	19 39:1	79:4,15
47:12	76:22	11:11,14,	53:4	40:6	82:24
53:4	better	25 56:4,	briefed	41:10	84:1
57:3,7	39:15	6,15,22	20:23	42:7,14,	
58:3,25	57:24	body-worn		23 43:9,	
59:3,25	between	53:10			
69:2,11					
78:10					

C

C-L-E-M-
E-N-T-S

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

6:3	career	77:11,12, 15 78:17	CIRT	close	comp
call	21:23	79:3,12, 13,21	7:19 8:14	27:16	61:14,15
5:21 7:20	carried	CETS	9:17 26:4	31:6	complete
14:22,24	45:24	79:10,24	32:5,6,8	65:18	11:3
15:9	carry	chamber	60:8,10	closed	completed
20:13	45:25	48:16	65:16	65:21	8:22
33:17	cars	change	70:14,18	club	completel
36:15	60:14	31:16	75:4,7	17:13	y
55:7,8	case	32:22	77:20	cocaine	21:10,11
57:13	5:19 20:9	35:13,14, 16 79:19	80:3	70:16	complex
call-out	30:12	changed	81:13	71:2	49:18
15:9,15	31:20	14:19	82:11	coexist	compliant
33:9	42:3 45:4	21:23	83:10	35:24,25	66:17
34:6,15	46:1,12	32:23	CIRT's	Cole	comply
call-outs	47:8 49:4	34:17	75:24	81:2,7	20:9
68:2	50:5,10, 12,22	42:9 73:1	76:23	College	66:22
called	51:25	78:12,15	cited	16:21	concept
8:23	53:13	82:15	70:13	Columbia	43:10
15:5,7,8, 11,16,24	60:13	changing	civil	16:21	71:10
17:10	68:13	23:12	27:25	come	concern
23:11	70:8,13	chemistry	28:4	18:9	71:15
54:20	81:4,15, 18	16:4,6	claim	51:24	concerns
calls	cause	children	61:14,15	66:16	83:3,7
19:9	10:22	43:20	clarify	72:2 84:6	concluded
cam	caused	75:15	28:11	comes	75:7 80:3
11:11,14, 25	57:15	77:22	29:11	36:18	86:25
came	certain	chronic	clarifyin	41:21	concludes
16:10	43:17	63:5	g	comfortab	86:18
56:12	46:8	chronolog	Clarkson	le	conclusio
62:10	69:10	ical	52:3	47:17	n
camera	71:16	36:3	class	62:5	75:25
48:13	CET	chronolog	12:23,24, 25 13:1,2	coming	76:13,23
53:10	30:5	y	clear	25:9	77:20
62:19	31:20	18:18	25:12,18	49:6,16	78:19
84:19	32:18	47:11	30:10	67:8	79:2 80:3
cameras	33:5	circle	59:17	commander	81:13
49:10	34:5,20	52:5	clearly	80:20	conclusio
candid	35:10,14, 23 68:2	circumsta	68:10	comment	ns
29:21	71:20,22	nces	Clements	31:8	32:15
captain	72:6,11	31:18	5:14,17, 22 6:1,12	communica	75:4
76:3	73:1	69:22	86:19	te	condition
81:2,7	75:9,18			36:13	s
	76:19,21				

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

78:20 conduct 27:24 75:9 conducted 78:17 confident 83:8 confirm 65:10 83:11 conflict 34:19,21 35:9,22 confused 67:22 68:5 confusion 68:8,9 congratulations 13:7 conjunction 76:4,5 considered 37:15 consists 38:23 constant 63:1,15 constitutional 25:12 27:19,25 28:4 86:5 contained 75:8 continue 51:15 64:2	controlle d 30:6,8 copy 86:23 corner 85:6 correct 12:19,20 17:18,19 18:22 23:21 25:11 27:10,13, 14,16 29:12 31:17,22 32:10 37:14,20 39:12 42:21,22 46:13,16 54:2,6 57:7 58:11 59:18,21 63:6,16, 25 64:3 65:2 67:22 69:12 70:21 71:4,11, 23 72:7 79:19,25 83:3,7,17 84:8,9, 12,21,22, 25 85:1, 6,18,21 86:2,3 correctly 14:20 15:21 23:18 39:20 48:17 85:8	Corrine 5:15 couch 51:7,11, 12 59:7, 10 Counsel 86:22 count 60:12 couple 10:13 14:19 49:23 51:14 69:13 84:3 course 21:25 court 6:10 7:4, 6 8:19 27:1 70:4 86:22 Craig 7:19,23, 25 86:12 criminal 19:10,17 current 17:16 34:9 currently 13:5 17:3 cut 47:17 <hr/> D <hr/> daily 20:24 damage 52:7,8	61:14,21 62:16,21, 23 dangerous 29:8,9 75:10 date 8:6 day 21:13 29:25 36:20 56:12 62:11,17, 21 63:10 64:3 74:3 dealing 40:7 62:9 death 64:20 deceased 52:15 December 18:2 decided 16:14 decision 34:7 73:3 75:17 decisions 76:3 82:17 deemed 69:17 deeply 63:24 defensive 19:11 defined 70:4 definitel y	56:18 definitio n 28:12 definitio ns 28:10 degree 16:4,20, 24 delay 54:4,7,8 55:3 delicate 61:24 demonstra te 56:23 deny 66:15 departmen t 5:19 16:11 20:12,17 33:1 77:7 79:23 depended 69:14 dependent 21:17 depending 43:22 46:10 47:6 48:9 50:4 63:10 depends 37:1,17 deposing 82:22	depositio n 5:17 6:5, 7,11,12, 14,21 7:18 8:16,18 9:3,7,18, 19,21 10:2,6, 11,20 11:3,8,21 12:22 32:14 84:11 86:19,25 depositio ns 11:16 describe 58:22 described 34:25 35:6 descripti on 10:10 19:4 42:22 45:4 47:22 despite 65:11 destroy 71:19 destroyed 70:21 detective s 76:6 determine d 45:6 49:24
--	--	--	---	--	--

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

determine 43:5	68:10 dining 50:23	distingui shing 31:8	54:5,17 55:3,11, 23 64:10 65:21,25 66:17,20, 25 67:8 71:18 78:22,24 79:5,11 82:7 84:6 85:23	drugs 70:22 Due 31:23 dumb 16:7 duplicati vely 38:9 during 12:18 15:2,12 50:16 duties 24:14 duty 27:23 28:5 dynamic 23:11	effective ly 43:17 either 39:9,11 66:15 elapsed 58:9 elderly 43:20 44:4 75:15 77:23 element 65:15 elements 79:3 else 10:17 11:7 40:20 41:6 86:11
developed 82:24	direct 61:5	distracte d 68:7	doors 31:15 42:25 47:23	E	else's 9:13
device 27:12 82:7	disagree 76:20,21 77:17 79:7,9	distracti on 27:12 68:3,5	dot 48:21 down 16:10 20:10 30:22 33:12 44:7 51:16 52:12 55:14 56:1 60:14 71:3,4,5 78:8	each 28:11 earlier 24:25 60:20 64:9 69:9,19, 20 early 15:1 38:3 44:9 49:3 67:12 easily 70:21 Eastern 16:18 easy 43:4 education 16:3	ended 16:8 enforceme nt 16:14 engage 51:6,14, 15 engaging 51:8 enough 32:1 66:19,24 78:23 85:15
devices 68:3,6	discharge 46:12,16, 18	division 13:24	doing 8:25 21:6 33:8 35:10		
dialogue 47:14	discretio n 80:4	docs 51:24	dogs 43:18		
died 62:14 74:25	discuss 6:18	documents 8:17,24 9:5 11:11,17	don 48:11		
differenc e 25:2 29:2 41:23 59:9	discussed 44:25 45:2,3	dog 44:5	done 10:21 42:10 57:3 58:20,24 65:12 66:13,15 68:2 83:2		
differenc es 28:15	discussio n 27:5 53:12	dogs 43:18	download 60:11		
different 22:17 26:14 28:13 35:16 46:9 56:18 59:6 69:21 79:24 84:3	disembark 49:16 disorient 80:13 disrupt 54:24,25 distance 46:8 distances 46:10 distincti on 33:20 55:20 73:8 distingui sh 31:5	door 30:15,20 31:1 35:2 42:25 44:3 50:1,15, 19 53:13, 18,20	downloadi ng 84:5 draw 76:11 dressed 48:10,11 driving 44:19 52:3 drop-off 49:19		
different ly 10:21 13:21 57:15 61:3 65:12 83:2,16 difficult 53:21					

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

ensure 42:18,20 48:13,14, 25	64:17 66:1,5, 15,20 68:12 80:12 84:7	everythin g 7:17 11:20 35:20 42:18 52:11 55:14 83:14,15	experienc e 26:13,15 35:20 54:13 68:4	82:2 85:15	Findley 45:14
enter 24:19,20 25:13,19 31:19 35:4 50:10	entryway 84:25	evidence 38:14 70:10 71:17	experienc ed 67:24	fairly 70:15	fine 5:23 56:23 85:11
entered 31:3,10 55:23 58:4	especiall y 74:4	exactly 56:24 82:1	explain 62:6	fall 16:11 51:10	finger 61:16
entering 23:4 31:12,14 42:11 65:19 69:11 79:6 84:20	essential ly 28:19	EXAMINATI ON 5:12	explosive 82:7,14, 18	falls 15:23	finish 30:24
enters 47:4 50:19	et al 5:18,19	example 60:13	extended 59:12	familiar 53:14	Finished 18:1
entire 9:20 50:17 53:5 56:10 84:16	evaluated 52:17	examples 17:4	extra 11:9 60:17 80:11	familiari ty 56:14	fire 55:24 60:5,14
entitled 7:22,24	even 7:5 63:2 64:13 72:10 73:21 77:9 78:11,13	execute 39:17 42:2 43:7 48:3	extremely 29:8,9	far 8:20 42:19 85:12	firearm 46:14,15, 16 48:20 59:12 67:19,20
entries 23:11 69:22	ever 6:21 37:6,10 38:6,8, 10,12 59:2 81:16	executed 59:16,23 68:1 72:11 79:11	fact 54:1 57:23 76:2	FED 26:4	fired 31:9,12 51:12,16 60:25 72:12
entry 23:18,20 30:6,8 31:2 32:9 43:12,13 45:21 46:25 47:2,3 49:13 58:10	every 10:25 21:13 38:22 50:4 51:24 58:5 62:11,17, 21 74:2	executing 29:25 37:8 40:24 41:24 53:6,24	facto rs 75:14 77:21 81:4	feel 50:24 51:2 62:2	firing 64:15,16 72:2
	everybody 48:6,25 49:21	execution 15:2 54:25 58:21,25	failure 75:19 76:19 77:25	felon 19:22	first 6:10 8:2 10:13 11:19 19:15 23:5 27:19 36:5 40:20 55:16 58:9 72:9 74:18
		exhibit 6:13,15	fair 11:22 29:19 31:25 34:18 38:4 63:13	few 50:16 59:1 62:7 66:13	fitness 22:4
				field 18:4,7,19 19:5,8 20:7 25:4 35:19 54:14	five 18:5
				figure 20:5,6	
				figured 11:17	
				find 16:13 38:2	

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

81:20	38:13,18,	found	further	10:10	14:6,7
fixed	25 39:7,	10:3 41:5	47:6	11:3 12:4	16:1
63:2	21 40:15	foundatio	G	13:3 35:1	17:20
flash	41:8	n		36:4	18:12
50:3,6	42:23	38:16		45:16	21:7
55:17	44:21,22	four	Garth	52:22	22:10,13,
56:1	47:5	18:3	45:14	65:14	16 24:10
67:14	56:10	21:8,12	gathered	66:10	27:15
flashes	57:5,23	22:7	44:6	69:13	28:17,21,
51:4	58:19	54:9,12	gave	given	22 29:22
fleeing	60:17	Fourth	18:18	6:21 8:19	30:24
19:22	61:15,19,	24:16	general	19:3	36:1,2
flush	22 64:12	Friday	16:25	75:11	38:13,24
70:16	65:15	12:13	20:18	giving	39:6
71:2,3,5	67:16,18	from	37:10	10:25	41:13
foam	68:10	16:20	get	go	43:6,9,21
46:8	69:21,25	18:19	15:15,24	6:24 7:1	44:18,20
follow-up	71:10,21,	21:18	18:10	12:2 14:7	45:5,18
52:19	23 72:6,7	33:12	21:18	15:19	47:11,12
86:12	73:12,17	36:19	24:6,7,8	19:20	49:25
for	74:10,15,	39:7 44:6	25:15	20:20	50:3
5:17,25	24 75:8,9	49:13	29:5,14	36:2	52:18,19,
6:5 7:18,	77:11	51:11	30:10	42:20	20,23
25 8:3,5,	80:12,14,	52:8	32:16	44:16,17	55:10,14
16,18,23	19 81:8,	53:10	33:16	48:1,2,5,	57:14,17
9:3,7	20,21	55:16,17,	38:1 41:2	6,10	61:11
11:8,15,	84:11	25 56:1	42:16	49:1,9	65:14,24,
20 13:4	85:2	58:9 61:9	47:11	50:14,21	25 68:17
14:10,11	force	63:11	48:10,24	56:1,19	70:12
15:1,6,	19:12,17,	65:16	49:8,16,	60:1	73:9,16
11,22,24	21	66:13	20 51:20	64:13	74:8
16:7	forearm	70:13,17	53:21	65:3 67:5	75:3,4
17:10	51:2,18,	75:4,6	54:9,16	69:22	76:11
18:3,5	20 52:5,	79:13,24	66:19	71:25	78:18
19:6,7,9	6,9 61:16	81:17,20	71:16	73:11	79:1 80:2
21:12,22,	forearms	85:21	74:2,5	78:7,8	81:19
23 22:1,	51:22	front	79:11	83:19	82:2
16,18	forensic	50:21	gets	86:8	83:22
23:14	16:5	85:9,23	36:20	goes	86:20
27:3	forensics	full	37:18	36:22	gone
28:13,23	16:10	5:25	50:19	42:19	10:24
29:6,9,	Form	47:14	getting	44:22	35:20
14,20	26:16	functioni	39:16	50:6	62:1
32:15	71:24	ng	54:4 55:3	going	Gonzales
33:5,6	74:1,17	48:15	give	6:9,24	9:15
36:20	86:7		7:4,11	7:1,2	Gonzales'
				11:4 12:2	s
					10:1

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

Gonzalez 's 10:6,11,20	68:8 75:1 guilt 64:19,21	happens 25:4 50:24 51:9 73:6	12:10 13:13 16:10 22:17 25:10 26:12 29:23 32:4,21 33:21,25 34:13 35:12 43:23 53:16 54:11,17 55:3 58:7 59:5 61:18 63:18 65:10 67:1,4 70:19 78:20 79:18 83:11,14 86:6	himself 56:8 hinder 54:24,25 hindered 55:3 hired 17:25 history 35:17 hit 51:2 52:9 60:23 61:5 79:10 hits 50:16 54:9,11 hitting 79:5 holster 51:16 homicide 30:1 36:9 39:8 40:6 45:3 59:13,17, 19,21,24, 25 76:4,6 81:8 honest 20:3 honing 49:14 hope 20:4 Hoskins 45:17 50:15,19 hospital 52:16 hour 8:4 52:20	hours 12:10,11, 12 15:3, 13,21 house 24:20 38:24 42:24 49:2,11 houses 60:15 how 7:25 8:11 9:23 13:3 16:7 17:20 19:23 21:3,19 22:18 25:25 34:25 36:10,12 42:25 54:11 56:2 58:2,3 60:5,7 61:24 69:1 85:12 however 47:17 62:5 human 62:15 65:2 hundred 59:1 hundreds 68:1
good 5:14 13:3 17:21 61:2	gun 71:3,5 gunfire 55:16 57:16 gunshots 50:20 51:1 guy's 41:5 guys 70:20 71:10,13, 14 78:10	happy 16:15 hard 16:13 43:5 56:20 having 65:1 78:6 he'd 57:3 head 12:1 29:17 48:22 49:19 headed 16:9 hear 24:8 25:7 50:20 heard 25:24 26:7 hearing 51:1 55:17,18 57:16 heart 77:10 heavy 48:12 helmet 48:12 help 50:9 helped 51:23 here 6:17 8:21	hey 36:23,24 47:15 48:16 49:9,15, 25 50:2, 17 57:1, 10,24 60:16 69:21 71:16 high 16:22 29:7 high-stress 40:23,25 higher 63:12 highest 16:3	hit 51:2 52:9 60:23 61:5 79:10 hits 50:16 54:9,11 hitting 79:5 holster 51:16 homicide 30:1 36:9 39:8 40:6 45:3 59:13,17, 19,21,24, 25 76:4,6 81:8 honest 20:3 honing 49:14 hope 20:4 Hoskins 45:17 50:15,19 hospital 52:16 hour 8:4 52:20	house 24:20 38:24 42:24 49:2,11 houses 60:15 how 7:25 8:11 9:23 13:3 16:7 17:20 19:23 21:3,19 22:18 25:25 34:25 36:10,12 42:25 54:11 56:2 58:2,3 60:5,7 61:24 69:1 85:12 however 47:17 62:5 human 62:15 65:2 hundred 59:1 hundreds 68:1
gosh 17:10 got 12:21 16:21 30:13,18 38:2 46:8 52:11,16 60:17 73:19 74:25 76:8 governmen t 16:13 grab 67:19,20 80:16 graded 21:10,11, 13 grades 21:19 graduated 16:22 18:1 ground 51:10 group 8:3,10 17:8 36:13,15, 16,18 guess 20:5,11 39:14	H hadn't 59:16,23 half 8:4 18:6 23:18,20 66:21 69:4 hand 62:23 handgun 22:2 happen 13:11 51:25 happened 36:3 47:16 52:11 62:18 83:15 happening 51:5	headed 16:9 hear 24:8 25:7 50:20 heard 25:24 26:7 hearing 51:1 55:17,18 57:16 heart 77:10 heavy 48:12 helmet 48:12 help 50:9 helped 51:23 here 6:17 8:21	hey 36:23,24 47:15 48:16 49:9,15, 25 50:2, 17 57:1, 10,24 60:16 69:21 71:16 high 16:22 29:7 high-stress 40:23,25 higher 63:12 highest 16:3	hit 51:2 52:9 60:23 61:5 79:10 hits 50:16 54:9,11 hitting 79:5 holster 51:16 homicide 30:1 36:9 39:8 40:6 45:3 59:13,17, 19,21,24, 25 76:4,6 81:8 honest 20:3 honing 49:14 hope 20:4 Hoskins 45:17 50:15,19 hospital 52:16 hour 8:4 52:20	house 24:20 38:24 42:24 49:2,11 houses 60:15 how 7:25 8:11 9:23 13:3 16:7 17:20 19:23 21:3,19 22:18 25:25 34:25 36:10,12 42:25 54:11 56:2 58:2,3 60:5,7 61:24 69:1 85:12 however 47:17 62:5 human 62:15 65:2 hundred 59:1 hundreds 68:1
	I				I
					IAP 81:8

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

idea 23:22	84:23 85:7,10	41:11,13, 18,20	14:1,8, 12,16	informati on 10:2 34:15 35:3 36:17 40:3,18 41:2,4,10 42:19 64:10 83:6	instances 43:16 59:6
identifie d 6:15	immediate ly 28:21 50:20 51:19 55:22 56:2 79:2	42:3,18 43:6,12, 20 44:2, 9,15,23, 25 45:11 46:1,12 47:8,14 48:15,16 49:4,7, 14,21,22 50:5,10, 12,14,21, 22,23,25 51:18,21, 22,25 53:12,21 54:1,9,13 55:13,19 56:4,7, 10,19 57:6 58:5 59:13,20 60:10,13, 21 61:24 62:23 63:1,5 64:9,11 67:18 68:13,15 69:20 70:13 71:16,22 72:5,10, 16,18 73:21 75:14,23 76:4,5 77:12,22 78:7,10, 13 81:4, 14,18 82:11 83:10 84:11 85:7,9,14	17:24 21:4 22:8,19 25:16 62:6 63:15,21, 24 79:25 inclinati on 43:19 include 21:25 64:18 75:14 77:21 including 68:14 indicate 66:4,14 indicated 56:15 70:8 indicatin g 52:8 indicatio n 65:24 individua l 27:20 individua ls 75:16 77:23 info 8:19 inform 60:9	instructi on 7:2,7 12:3,7 28:10 instructi ons 7:1 insuffici ent 78:21 intent 25:13,19 intention 24:9 25:8 31:21 35:4,10 67:5,6 intention s 22:21 23:25 24:4 interacti on 37:23 interesti ng 19:15 interroga tories 8:23 interrupt 30:23 intervene 28:6 interview 7:20 60:8,10	
identify 28:14 55:21	important 27:19 in 5:17 7:4, 6 8:4,12, 18 9:2,7 10:1,6,7, 22 11:2 12:23,24 13:18 14:1 15:1,6,19 16:4,5, 12,14,24 17:4,9, 12,17,25 18:1 19:16,17, 24 20:3, 7,8,18,22 21:3,17 22:11,18 23:1 25:4,9, 17,23 27:15,18, 22 28:14, 21 30:9, 12,19 31:6,16, 20,21 32:14 33:16,17 34:16,23 35:18 36:3 37:8,10 38:3,13 40:6,23	incident 10:22		instance 44:23 45:12 71:22 72:5,18 85:2	

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

interview	20:9	6 63:13	70:1	18:18	kind
ed	21:1,12,	64:2,8	its	24:19,20	10:24
26:3	13,23	67:4,5,6,	31:21	27:3	12:24
into	22:16,18,	7,14,17	itself	29:20	17:22
7:1 10:15	25 23:7,	68:3,10,	25:16	34:25	19:2,4,5,
12:1	10,16	17 69:4,	32:6	35:18	18 24:13,
18:21	25:11	18,19		37:1,9,17	17 36:2,
24:10	26:1,2	70:14	J	38:14	17 37:5
25:15	27:2	71:3,7		39:19	40:9
30:10,13	28:10,11,	72:18,19	J-O-H-N	40:11	41:3,9
32:16	14,23	73:16	6:2	41:3,8	53:7
47:6	29:9,13,	75:1,10	Jake	43:21	55:10,12,
49:18,20	23 30:1,	76:11,17,	45:13	45:16	15 56:23
56:8	2,6,10	24 77:10	January	47:14	57:20
65:19	31:2,3,17	79:5,10,	14:14	50:10,22	62:5 65:9
68:12	32:7,13	11,17	job	51:25	72:21
69:22	33:2,7,10	80:11,15,	27:22	52:21	73:2,20
84:8,20	34:10,25	18 83:9,	44:16	56:8,18	82:21
86:2	35:16	12,13	47:21	57:5,9	84:24
intrusion	36:7,15,	84:5	49:15	60:13	85:5,17,
24:22	19,21,23,	86:17	65:6,7	61:11,20	25
involved	25 37:17,	it's	jobs	62:20	kitchen/
17:12	18,20	13:2	16:13	63:14	dining
81:4	38:8,13	14:25	jogged	64:13	47:9
Isaiah	39:5,18,	15:17	84:15	69:8 70:6	knew
6:19	19,23,24	18:13	John	83:10,12	55:23
25:18	40:20	20:16	6:1	84:2	67:7
issue	41:4,8,21	22:11,12	judicial	85:13	knock
7:14	42:3,8	24:22	79:15		20:20
16:12	43:1,2,9,	28:9,24	jump	keep	22:13,20
53:17	17 44:23	35:16	61:11	57:17	23:6,24
83:1	45:13,24	37:15	jumped	Kerry	29:2,11
issues	46:1	38:8	65:9	45:14	34:20,24
84:4	47:14,17,	46:7,8	June	50:19,24	35:1,6,22
it	18,23	49:15,24,	8:12	51:17	65:15
9:23	49:4	25 56:20	17:25	52:1,10,	69:11
11:2,5	50:7,16	57:21	just	17	knock-
12:1,4	52:12	62:9 63:2	7:3,20	Kia	and-
13:21	53:9,20	65:6	8:15,20	45:17	announce
14:11,19,	54:2,9,	66:11	11:17	kids	22:15
20,22,23	11,16	68:11,15,	14:10	43:19	32:19
15:9,12,	55:16,17,	17 72:17	15:15	44:5	79:22
23,24	18,21	73:13	16:25	68:16	knocking
16:7,11	56:13,18,	75:22		killed	28:20
17:9	24 57:18	77:9		74:15,23	know
18:17	58:14,15,	84:24			7:23,25
	22 59:9	items			
	60:9,24	10:5 11:1			
	61:2,3,4,	61:20			
	7,9 62:3,				

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

8:13	56:9,14	lead	life	8:20	47:21,22
14:10	57:7	44:19	62:15	little	51:3,16
17:6	64:4,17	leader	64:24	10:15	60:1,17
18:14	73:12,17,	13:3	65:2,3,5	14:25	71:8
19:22	21 74:10,	45:7,11	light	18:13	looked
20:9,25	11 78:8	69:15	48:19,20	19:3	50:21
25:25	84:20	82:25	like	24:24	looking
28:24	Kubla's	leading	14:22	32:16	38:18,25
29:16,20	61:9	17:24	15:15,21,	33:12	39:2
32:4		86:2	22,23	35:15	42:23
33:24	L	learned	16:9	43:9	43:15
40:23		82:22	17:4,7,8,	44:10	47:5,8
42:13	labrum	left	11,12,13	45:2,3	64:12
43:16,18	52:10	51:6	18:10,23,	50:9	70:23
44:18,23	61:20	81:25	24 19:3,	52:20	71:10
47:24	lack	leg	5,6,7,19,	53:19,20	loop
50:1,11,	57:24	51:22	21,22	55:9 57:2	53:7 69:8
12 55:22,	language	legal	20:6,7,	60:19	lost
25 56:15,	56:4,6,15	65:15	10,23	61:12	79:2
20 57:10,	Las	less-	22:3 28:9	63:12	lot
11,24	5:18	lethal	41:7,9,24	64:8	7:1 23:12
58:18	20:16	46:2,6	43:1 46:4	65:10	75:23
60:7,23	last	let	47:9,15	69:18,19	82:2
61:4,8	8:8 11:4	5:16 14:7	48:12	71:1	low-
63:19	21:9 46:3	60:23	49:14	76:12	lethal
65:7	later	61:2	51:25	80:11	45:22,24
68:16	29:23	70:25	55:13,15	84:25	46:19
69:16,20	32:14	let alone	56:2,25	85:6,9	48:18,19,
70:2 74:3	53:9 62:8	78:22	57:1,24	lives	21
75:1	Latia	let's	59:2 62:2	62:10	LVMPD
77:3,10	5:18	76:16	76:6 77:9	64:24	17:23
78:3	launcher	77:18	81:21	loaded	34:9,14
82:23	46:2,4,6	level	84:19,24,	75:22	54:14
83:9,15	law	16:3	25 85:2	located	72:25
85:13	7:4,6	33:13	line	42:25	75:20
knowing	16:14	liberties	81:15,18	long	76:24
49:15	19:10,17	24:23	linked	7:25 8:11	77:16
83:14	20:9	lieutenant	70:9	21:3	79:15
knowledge	81:15,18	t	list	32:13	80:21,25
23:3 35:3	laws	76:3	11:14	long-term	81:10
61:8	19:20,25	80:4,17,	21:14,15,	63:20	
known	layout	18,24	16,18,20	look	M
78:9,13	84:24	81:3,7	listed	19:6,19	made
Kubla			8:15	33:23	23:5 32:1
45:14,22			litigatio	38:13	
51:5,9,			n	44:15	
17,19,21					
55:14,24					

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

33:19,20	5:18	36:21	64:17,25	monitor	59:9,17
34:7	maybe	43:15	memory	40:4,14	64:19
38:15,17	17:12	61:8	7:21	41:6	65:20,25
56:14,25	63:12	66:16	44:12,25	months	66:3,12,
57:10,11,	me	67:23	58:2	81:20	18 67:7
24 58:3	7:17	68:7	62:18	more	71:24
68:25	10:10	72:20	84:15	11:1 12:3	72:7,8
69:2 73:4	11:1,3,	73:19	mentioned	20:10	74:1,14,
84:7 85:4	19,24	74:25	61:20	29:22	17,23
mag	12:5 14:7	76:11	message	32:16	86:5,7,
59:12	15:1 16:7	78:11	36:12,14	36:3	14,24
magazine	17:6,22	meaning	38:1	47:17	MS
48:17	18:18	21:6	met	53:20,21	5:13 6:9,
major	19:2,3,4,	34:23	7:25	60:17	16 11:12,
16:12	18 21:1	47:4	Metro	71:1	13 26:24
make	22:10,12	48:11	20:16	76:12	27:2,8
21:1	23:14,23	67:13	Metropoli	77:10	52:18
24:15	24:17	means	tan	79:10	53:3
31:7,15,	27:23	20:21	5:19	morning	72:3,13
16 43:12	28:8	21:12	midnight	5:14 15:1	74:7,19
62:20	30:5,7	22:16	14:21	38:3	83:19
67:17	31:7 34:7	23:10	mil	44:9,10	84:1
68:9	35:1 36:4	45:23,24	46:1	67:12	86:10,15
80:12	37:5	57:14	military	68:15	much
82:17	42:14	80:15	17:9	most	9:23
making	44:13,22,	meant	mind	21:24	86:16
53:20	24 45:16	22:18	26:24	27:19	multiple
76:2	46:24	med	55:19	mostly	79:5
man	47:15	16:9	minute	10:7	murder
25:17	53:5,16	medical	49:13	move	64:12
managemen	55:13,15	52:12,14	minutes	22:3	Murphy
t	56:12,23	medicatio	8:5	50:25	5:13,15
80:19	57:2,18,	ns	moment	51:5	6:9,16
manual	19 60:22,	meet	11:5	movement	11:12,13
75:7 79:4	23 61:2	31:21	83:21	57:21	26:24
many	62:6,11	36:23	Monday	movements	27:2,8
7:25	63:23	meeting	12:13,17	56:9,13,	52:18
42:25	64:16	8:7,10	44:9	17,24	53:3
54:11	70:25	37:22	Monday-	Mr	72:3,13
58:2,3	71:1	member	morning	5:14,22	74:7,19
60:5 69:1	82:21	17:1 28:5	72:21	11:10	83:19
mark	mean	54:15	members	26:15,16,	84:1
6:13	9:17	27:25		20 27:7	86:10,15
matter	11:17			31:23,25	muzzle
	14:24			52:14	51:4
	21:11,15				55:17,25
	22:14				
	23:10				

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

my	25:1 33:2	61:6	20:23	notices	7:3
5:14	42:1	64:23	24:21	52:4	object
7:10,19	43:11	65:13	26:21	notion	26:17
11:19	44:19	66:2	27:24	74:5	objection
12:1,12	49:1	68:13	28:20,21	now	26:16
18:13	71:16	71:5,20	29:16	10:15	71:24
21:23	86:23	73:18	30:22	13:16	72:8
29:17	needed	74:12	31:3,20	16:1	74:1,17
35:5,15	65:8	75:1	32:8,11	26:22	86:7
39:15	Nellis	77:10	33:6,16	29:18	observati
47:21	75:18	81:12	34:7	33:20	on
48:17,19,	nerve	82:8,9,	35:16,17	36:2 53:9	49:2
20,21	52:7,8	10,12,13	37:4,9,	79:17	observe
51:2,13,	61:14,21	83:18	15,16,20,	82:1,13	49:6
20 52:5,	62:22	86:9,14	21 39:2	85:3	51:13
8,9 60:8	never	no-knock	42:24	number	obstacle
61:15,16,	57:3,5	28:18,19,	43:13	5:20	21:25
22 62:24	69:9	20 29:2,	44:1	21:20	obviously
63:1,22	new	6,14	46:18	26:9,10	45:5
64:24	19:8	79:14	50:11,25	38:24	occupants
67:2	34:15	nobody	51:20	45:21	43:14
72:4,5,	81:14	41:18,19	59:4,17,	46:24	78:21
10,16	next	56:19	19,20	47:1,3,4	occur
73:10,15,	59:12	nonstanda	62:2	66:10	25:6
21 74:20	85:23	rd	64:6,16,	78:7	occurred
82:20	no	56:25	24 65:4,6	84:19	21:4
N	6:23	Nope	66:5	85:7,14	44:13
name	7:12,16	37:25	67:17	numbers	October
5:14,25	9:8,22	60:11	68:16	42:21	86:20
85:4	10:4,18,	normal	71:21	numerous	of
narcotics	23 12:23	12:9,11	73:1,3,15	58:5	5:17,18
18:24	13:15,22	15:3,21	75:10,19	67:11	6:11,12,
national	14:2	21:21	76:24	68:14	18 7:1,4,
81:15,18	15:4,18	50:25	77:15,25	75:13	5,6 8:15,
nature	17:14	59:14	78:4,5	79:10	24 9:10,
12:6	19:1	67:12	79:19	O	23 10:10,
necessari	23:22	normally	80:4,21,	O'DANIEL	11,13,19,
ly	32:22	12:18	23 81:1,9	80:4 81:3	22,24
54:7	34:11	44:7,14	82:14	O'Daniel'	12:6,24
necessary	35:11	57:15,17	note	s	13:12,25
69:17	38:7,11	not	6:7,11	80:18,24	14:4,8,
need	42:11	6:24 7:1,	25:12,19	81:7	16,19
20:8	54:3,8,21	6,10,22	65:17	oath	15:2,14
24:25	55:5	11:14	noticed		16:3,11
	57:4,8	13:15	6:5		
	59:19	18:14			

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

17:1,18, 22 18:2, 9,13,24 19:2,3,4, 5,12,17, 18,20 20:16,19 21:1,12 22:7,19, 22 23:4, 12,15,24 24:9,14, 17,18 25:1,5,8, 12,16,17, 19 26:5, 13,15 27:25 28:5,12 29:5,17, 24,25 31:1,2, 16,21,24 32:1,15 33:7,9 34:2,3,4, 8,9,14,24 35:1,2,3, 6,7,22 36:2,5, 10,17 37:2,5,8, 11 38:12, 23 39:3, 18 40:3, 9,15 41:3,9 42:15,22 43:10 44:7,12, 25 45:2, 15 46:18 47:1,23 48:15,16 49:23 50:1,2,8, 9,21 51:14 52:3,5,9 53:6,7,9,	17,20 54:5,15, 16,25 55:3,10, 12,13,15, 16,17 56:17,23 57:20,24 58:10,20, 24 59:7, 21,24 60:8,12, 16,25 61:7,14, 19,25 62:4,5,16 63:8,15, 19,22 64:9,11, 17,24 65:7,9, 16,17 67:15,18 68:1,5 69:5,7, 10,14,15, 16,20 70:9,18 71:2,10, 17,18 72:21 73:2,20 75:10,11, 13 77:19, 25 78:16 79:3,19, 25 80:5, 7,18,19, 20 81:8,9 82:21,23, 25 83:6 84:3,4,5, 24,25 85:5,13, 17,20,24 86:1,19, 23 off 11:14	12:21 27:3,5,15 29:17 31:18 33:7 49:16 50:1,2 52:23 56:17 66:21 67:11,12 69:15,16 78:16 81:20 83:20,22 85:13 86:20 office 8:3,5 36:24 officer 10:1,6, 11,19 16:8 17:7,8 18:4,5,7, 14,19 19:15,21 20:24 22:15 27:23 28:6 35:21 45:22 50:15,18 51:5,9, 19,21 52:10 54:14,15, 24 55:14, 24 56:9, 14 57:6 58:5 60:15 61:9 64:4,17 65:18 67:25 68:4	73:12,17, 21 74:3, 4,10,11 77:4,24 78:6,7,8 84:20 85:3,4, 17,22 officer's 25:13 35:4 officer- involved 6:18 14:13 53:7 57:6 60:21 officers 9:11 17:12 18:9,20 19:9,17, 23 20:20 28:4 29:9 30:13 39:1 44:17 45:9,11, 15 48:2 51:13 63:19 64:4 67:8,16 68:11 70:15 71:21,23 72:6 79:2 80:12 82:19,22 85:24 on 7:20 8:7, 8 13:3 14:13,24 15:17,23 18:3,23, 25 20:3, 13 21:13,	14,17,20 22:3 24:22 31:12,25 32:14,18, 22 33:10 34:8,10, 13,25 35:2,19 36:7,8,18 37:3,6, 13,17,19 38:19,20 39:1 42:14,24 43:2,22 44:3,9 45:20 46:10 47:6 48:9,20, 21,23,24 49:2,8,9, 14 50:4,8 51:7,11, 24 52:1, 5,9,14, 15,19 53:1,13, 18,23 54:2 56:21 57:2,10, 19 58:19 59:7,9, 19,24 62:12,19 63:8,10, 13 67:10, 14,17 69:11,14, 25 71:17 73:1 75:24 78:2,3,5 79:10,21 80:14,23 81:1,11 82:2,7,8, 9,17,19	83:24 85:17,20, 23,24 86:20 on-the- job 18:10 19:9 once 31:15 48:8,24 49:8,21, 23 52:11 55:23 one 8:2,4,15 11:4 12:3 21:9,20 30:22 37:13,20 39:9,11, 23 40:3, 9,15 41:9 45:15,16 47:4 49:13 51:22 52:3 59:4 63:8,11 64:11 69:5 74:8 79:10 83:21 one- bedroom 47:24 ones 76:8 ongoing 62:22 only 7:2 11:9 30:21 39:4 42:9 60:16 64:16,24
--	--	--	--	--	---

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

67:2,17 71:21 79:13	organization 17:10	17 33:18 36:7,22 38:2 41:5,8 42:20 43:10,12 44:1 48:10,11 49:1,3,5, 7,13 52:10 60:25 62:13 64:18 72:2 76:12 78:9,11	P	pass 62:13	person 24:6,8,13 25:7 27:21 29:10 30:2,22 32:2 35:2 59:7,15 64:11 68:19 71:23 72:2,7
open 43:4,5 50:19 55:3 65:16 68:23 69:2	organizations 17:2		page 65:16 70:18 75:6 78:19 79:13 81:13	Passed 18:4	
opened 30:15,20 31:15	other 7:14 8:17 9:5,9,11 18:20 19:17 20:20 28:3 30:13 35:2 41:16 45:16 59:6 63:19 64:17 71:18 75:3 82:22 85:3,16, 20,24	outcome 59:2,5 65:11 78:12,14 82:15	pages 77:9	patrol 13:17,18, 19,22,24 17:17 18:2,23 19:1 20:22,24	
opening 21:17 31:1			pain 63:1,3,5, 9	patrons 25:23	person's 25:11
operation al 48:19			paint 56:21	penalties 7:5	personal 35:18 75:1
operators 37:17 75:8			paired 47:22	people 17:6 24:4 26:14 33:18 37:16 38:14,18 41:16,17, 20 49:1,3 50:10,11 60:14 67:12 68:5,20 71:21 76:2	pertain 19:21
opinion 10:22 27:18 35:19 67:7 73:21 75:5,24 81:1,11, 12 82:8, 9,13	ought 78:9	outside 50:8 51:21 66:10,25 68:14	paperwork 19:10	phrase 39:15	physical 21:24 22:4 34:3 84:24
opportunity 6:6 46:20 67:2	our 15:12 20:13 22:21 23:25 24:4 25:24 33:7 44:17 49:9,19, 22 60:11 77:5 78:16	over 10:24 12:2 14:7 17:15 20:20,23 21:23 44:17,22 45:18 48:23 51:4 64:19 83:9,12	parameter 28:13	pick 54:1	picked 53:23
option 15:14,18		overwhelm 79:4	parameter s 34:4	people's 62:10	picture 56:21
order 20:8 30:10 33:17 43:7,12	out 13:25 14:3 15:7,8, 11,16,24 18:9 20:5,6,7,	own 9:9 75:1	part 18:23 20:19 21:24 37:2,11 46:3 65:7 76:15,16 80:18 82:25	per 79:4	piece 41:9
			particula r 37:19 44:23	perceived 51:3	pieces 9:24
			partner 62:10	perfect 33:3 52:5	ping 40:19
			parts 10:11,19 22:11	performin g 27:22	pinged 40:13 41:6
				perhaps 26:13	pinky 52:8 62:24
				perjury 7:5	

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

place 5:17 31:24 36:23	80:22,25 81:10	79:16	professio n 17:3	24:25 25:2 50:9 67:16	<hr/> Q <hr/>
placed 21:14	policy/ training 75:19 76:19	prefer 5:21	professio nal 17:2,23	proximity 27:16 31:6	qualifica tion 22:1
plain 83:12	pop 12:1	8:18 9:3, 7 84:11	profile 29:7	PTSD 61:17,21, 23 62:7	qualify 21:22
plan 48:3 83:8	portion 40:7 84:3,5	prepare 7:18 11:7,15, 20	program 20:17	public 28:1,5 67:13	quarterba cking 72:21
platform 56:17	portions 84:4	prepared 6:25	promote 14:5	pull 30:24	question 11:19 16:7 17:6 22:11 26:23,25 28:22 35:5,15 39:15 61:1,2 65:22 70:25 71:1 72:4,5, 15,16 73:10,15, 20 74:20, 22
please 5:24 6:13 7:17 11:5 28:8,14 30:4,24 36:4	position 17:16 34:10 48:23 49:21,22 80:23 82:13	present 75:16 78:20	promoted 13:6,9 17:17	pulled 21:18	
point 51:6		presented 32:7	promotion 13:4	pulling 52:10	
police 5:19 9:11 16:8 18:14 19:15 24:2 25:8,13 26:8 27:22 35:3,21 50:18 66:9,20, 25 67:8, 25 68:4, 11 74:3	positions 21:17 49:21	pretty 31:6	pronounce d 52:15	purpose 23:24 33:9 34:24 35:1,6 42:15 47:1 65:17 67:15	
	possibili ty 31:11,13 39:8	prior 18:25 37:22 53:24 58:8 65:19,24 72:11 79:6	proper 32:9 80:4 81:5	pushed 57:2	questions 7:10 10:13,14, 15 16:2 18:13 19:12 28:9 48:8 52:19 53:8 61:25 86:13,14
	possible 36:8	privilege 7:24	property 27:21 30:2 39:4,21 75:9	pushing 57:10	
	possibly 66:16	probably 8:12 53:9 60:2 71:3	property- only 29:15	put 36:7 38:19 44:7 56:8 63:9	
policies 34:9,13, 17	POST 13:2	proceedin g 41:10,13	protect 64:23	puts 20:13,17	
policy 32:22,23 73:1 75:20 76:25 77:2,5,16 79:19	posture 56:8	process 53:5 81:19,22	protectiv e 48:12	putting 57:20	quick 52:21 quickly 30:11 quiet 68:16,17, 18
	potential 43:14	productio n 8:24	provide 7:2,15 19:7,8		
	potential ly 71:17				
	preapprov al				

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

quietly 49:20	realized 61:2	45:9,11, 15 48:2	refused 65:18	58:13	11:1,18, 24
quite 72:14	really 19:14	53:22 69:17 78:2,4,5, 8 82:19	Regarding 77:6	represent ed 69:4	reviewing 10:1
quote 65:16,18	Reask 65:22	recons 37:16,17	regular 15:12	requested 80:19	rewrite 35:17
R	reason 7:9 60:13	record 5:16,25 14:10,11 27:3,5,6 28:24 52:24 53:2 57:5 83:20,22, 25 84:2 86:20	related 10:15 14:1 17:2 19:12,21 22:22	requests 8:23	ricochet 61:9
R-O-L-L-I-N 6:2	reasonabl e 32:2 69:25 70:2,6,8 78:25	received 69:9	relayed 38:17 40:3	rereading 26:24	rifle 22:2
radio 48:14	reasoning 33:6	recorded 9:17	reliable 7:15	residence 24:11 42:12,21, 22 43:20 79:6	right 10:15 15:20 16:1 23:11 25:12 27:19,21 29:17 44:8 47:10 51:2,13 57:9,18 58:22 63:23 70:7 71:7 81:2 82:21 85:10 86:4,15
ram 50:16	receive 16:16	red 48:21	remained 70:17	residence s 45:4	
ranked 21:16	received 69:9	refer 14:12	remember 8:25 14:9,20 16:12 23:18 32:11 40:10,11 45:8,10 49:4 84:15 85:3,8,10	residual 62:16,21	
re-read 27:2	receiving 61:19	reference 10:14 44:2 77:12 79:20	reminder 63:15	respectfu l 61:25	
react 57:15	recently 84:16	reference d 70:22	repeat 26:23	response 70:9,15	
reacting 64:13,15	recess 52:25 83:23	referring 62:22 77:2	report 32:6 65:16 70:14,18 75:4	responsib ility 11:2 12:4	
read 7:19 9:20,23, 24 10:6, 19 27:6 32:5,6,15 38:10 42:6,17 70:12 75:3 78:18 80:2	recognize d 81:3	reflect 5:16	reporter 6:10 27:1 52:22 86:22	result 79:25	
reading 19:25	recoiling 57:23	reflected 7:20	represent 34:12	reticent 70:17	
ready 39:16 48:25 49:9,16	recommend s 81:14	reflects 84:2		revamp 81:24	
	recon 36:22 37:2,6, 11,15,24 39:1 42:14,15, 17 43:25 44:17	refuse 65:20 66:1		review 6:6 9:2, 6,14,18 11:7 53:9	
				reviewed 8:16,18 9:6,10 10:12	
					rights 24:12,14 27:25 28:5 86:5
					rigidity 53:20
					road 60:14
					role 45:20
					role- playing 21:6
					Rollin 6:1

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

rolling 49:10	14,19 31:21 33:6,10 50:10,14	40:11 49:8 53:25 54:7 60:2 62:20 71:14 72:20 73:6,20 79:9 82:3	34:2,3 36:21 39:7,19, 21 40:25 41:17,19, 22,24 42:1,4,6, 8,17,18 43:7 48:4,9 49:11,12 50:4,18 51:24 53:6 55:1 58:20,24 66:11 69:16 71:9 73:2 75:18 76:9,18 77:15 78:22,24 79:14 81:6,8	61:22 62:17,21 64:4 77:1 seeing 56:1 78:7 seeking 68:12 70:10,20 seem 18:13 31:6 seems 16:9 sees 54:24 seizure 39:20 self- assessing 52:2 self- explanato ry 28:25 sense 48:16 67:18 sensitive 62:3 sent 49:3,5 52:16 sergeant 13:10,18 17:17 52:2 81:21 85:4 serve 75:17 served 41:17,19	service 81:9 serving 34:1 49:11,12 76:18 77:14,15 81:6 session 20:11 sessions 20:12,13 setting 8:3,10 several 44:24 shield 85:22 shift 14:19 15:21 shooting 6:18 10:16 14:13 17:12 22:1 51:9 52:12 53:7 57:6 60:12,21 81:20 shortly 40:14 shot 25:17 46:21,23 51:18,21 56:16 57:1,12 60:16,17 73:19,22, 24 74:2, 5,10,12, 18,25
room 47:6,9 50:24 56:19 57:21	safest 72:17,22 73:9,13, 22				
round 48:16 52:5,9	safety 31:16 55:4 75:1	saying 13:20 30:24,25 39:20 58:21 77:14			
rounds 46:9 51:11,15, 16 60:12, 18,25	said 11:10 13:21 47:11 61:1 69:20 70:14 73:22 82:12	says 60:15			
route 48:24		scale 63:8,9			
rule 22:15 43:10,12 78:11	Sam's 37:22 38:3 44:9	scenarios 22:5			
ruled 44:1 78:9	same 7:3,5 16:21 18:2 22:12,25 34:2,3 56:12 62:11,12 72:8,23, 24	scene 52:15	seated 48:17		
rules 41:7		schedule 14:9,17, 23	second 8:4 27:4 45:16 50:1 55:21		
s		school 16:9,22 21:13 22:5	seconds 23:17,19, 21 58:9, 14,15 66:13,21, 23 70:14 78:21,23		
safe 31:2,3 43:13,14 55:1 67:18 71:20,22 72:6,18 73:12,17, 19,25 74:10,13, 15,24 75:2 80:12,14	saw 48:3 55:13 62:10,12, 13	schools 21:7,8 22:7			
		screen 43:2,3			
		screens 43:2,4	section 75:7		
	say 9:16 14:11 15:5 20:7 25:22 29:7 30:5 31:25 33:4	search 15:22 20:22 22:23 24:1,2 25:9 26:8 29:15,25	see 8:13 28:3 38:6 43:18 49:6 51:4,9 60:1		
safeguard 47:3					
safely 30:10,11,					

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

shoulder	65:10	41:13	sought	start	61:19,22
61:16	67:1,4	42:2	70:1	47:19	62:7 63:2
63:1,5	70:19	59:11	sound	49:10,25	64:5 65:1
81:22	79:18	64:15	56:1,5	51:10	78:17
show	83:11,14	67:19,23	sounds	52:1	79:11
15:16	situation	68:10	50:20	76:17	83:16
47:21	40:25	72:12	South	started	stop
49:18	situation	somebody'	75:18	50:15	28:6
showed	s	s	spacing	52:2	51:16
40:19	40:24	24:19,20	85:13	starting	straight
shut	six	65:5	specific	50:24	49:19
52:12	58:14,15	something	37:16	51:5,13	street
side	66:23	15:22	53:8	52:6	33:12
35:2	78:20,23	17:13	specifics	81:24	Strike
71:18	85:7,14	29:7,8	25:16	state	24:7 37:7
85:17,20,	sleeping	51:2,25	29:23	5:24	structure
24,25	59:11	53:22	speed	statement	43:22
86:1	68:19,20	54:23	30:9 79:3	8:14 9:9,	47:7
sides	slightly	57:14	spell	13,16,17	81:14
33:10	61:3	58:1	5:24	32:5	strugglin
signed	slowly	62:17,18	spoke	75:23	g
65:6	51:10	65:4	7:19,23	76:20	62:7
similar	SMES	sometimes	squad	79:8	stuck
33:22	80:3	17:5,9,11	62:12	82:11	79:5
simple	smooth	33:23	stack	83:10,13	study
43:3	57:21	40:23	44:15	statement	20:10,12,
since	snippet	41:2,4	58:6 78:7	s	13
34:17	70:13	56:20	85:7,14	9:10	stuff
52:7	some	63:12	standard	staying	10:25
sit	10:25	68:4	33:24	75:14	17:9 19:5
12:10,12	14:7 16:2	somewhat	69:25	stays	23:12
13:13	17:6	28:24	standardi	52:8	44:7
20:10	18:12	somewhere	zed	steps	stun
25:10	19:20	40:20	75:20	51:14	50:5
26:12	29:22	41:6	76:24	stick	67:13,15,
29:23	32:15	soon	80:21,25	50:5	17 80:5,
32:4,21	52:18	61:1	81:10	67:13,15	7,13
33:21,25	53:8,9,12	sorry	standards	80:5,7,13	stunned
34:13	63:19	20:25	81:15,18	still	67:20
35:12	75:3	24:7 27:3	standing	13:14	subject
43:23	82:22	30:21	28:10	41:10,13	51:6,8,11
53:16	84:4	37:7	start	42:11	75:10
58:7	somebody	43:13	start	50:13,25	submit
61:18	22:22	46:3,15	start	51:8,11,	
63:18		71:13	start	15 54:10	
		76:5	start		

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

78:22,24	34:5,14		talk	11:19,24	tested
such	43:17	T	67:2	17:6 19:2	18:3
27:24	68:2		77:18	22:10,12	testified
sufficien	suspect	tac	78:4	23:14,23	26:1
t	45:4	51:24	talked	26:20	63:14,19
66:4,16	57:11	tactic	10:20	28:8	83:11
Sunday	59:17,20	22:20	19:16	29:17	testify
14:18	79:4	30:6,8	25:2 43:9	30:4,7	26:2 67:6
36:7 38:2	suspected	71:20	44:10	37:5	testifyin
superviso	70:16	72:17,23,	55:9	44:24	g
r's	suspects	24 73:7,	60:19	53:16	47:18
12:25	38:19	13,22	64:8	55:15	testimony
13:1	39:9,10	76:22	69:18,19,	57:18	7:11,15
support	40:1,3	79:24	21 79:17	60:22	26:6 58:8
17:8	41:12	tactical	talking	63:23	63:22
supposed	59:14,25	54:14,19,	14:13	64:7	69:9
41:18,20	64:12	22,23	TASER	69:3,7	testing
69:23	sustained	55:7,8	45:25	70:3,23	21:7
83:3	60:21	80:20	task	82:1,21	81:21
suppresso	SWAT	tactics	48:7	85:12	text
r	13:14,25	19:11	tasked	telling	36:12,14
61:10	14:4	33:7 43:6	34:1	57:19	38:1
Supreme	18:6,21,	45:5	36:20	temporari	
70:3	25 21:3,	50:13	37:10,18,	ly	than
sure	6,7,8,12,	75:20	20 42:16	67:21	9:9 22:17
6:24	22 22:5,	76:25	48:10	ten	26:14
17:25	7,15	77:2,5,16	tasks	23:17	28:14
27:1	34:1,16	78:16	44:17	63:8	40:20
28:16	37:16	80:19,20,	team	ten-	56:18
43:12	54:15	21,25	36:13	minute	57:15
62:20	56:10	81:5,10	37:3,7,11	52:22	59:6
65:23	58:19	82:23	39:2	tend	63:12
surgery	72:10	take	42:14,15	51:19	79:10
81:23	74:4	11:5	43:12,13,	term	thank
surprise	75:7,8	30:22	25 45:7,	57:24	13:8
30:9	77:3,24	52:21	10,20	terms	29:20
58:16	81:9,14	54:11	49:5	25:17	44:21
79:3	SWAT's	55:21	53:23	37:8	86:15
surprisin	75:17	taken	54:15	55:13	that's
g	swell	52:25	64:18,24	64:9	6:2 7:23
10:3	52:6	65:2	69:15	69:20	15:9
surround	swing	83:23	78:8 81:5	test	19:14
33:7,8,10	14:19	86:19	82:25	21:24	20:23
		taking	85:24	22:4	22:25
		55:24	tell		29:19
		65:5	7:17		34:15,18

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

36:12	84:7	23:9,16	29:11	66:13	65:3,25
40:9	85:2,16,	25:18	30:5,12,	76:2	67:8
41:3,9	23	26:13	13 31:20	78:1,9,11	69:17
42:7 45:6	therapist	30:12,18	32:9	82:17,23	79:11
47:5	61:22	31:11	33:21	though	80:5,8
49:14	there's	33:8	34:1,14	7:5 31:14	81:19
51:4	15:18	35:9,21,	36:6,23,	63:2	82:22
56:23	23:7,11	25 38:17	25 37:3,	68:23	83:5
59:8,13,	31:13	39:5 41:3	9,13,19	70:25	Thursday
14 62:15	32:21	54:16,19	39:4,17	72:4	12:14,17
65:7	33:13	55:2,19	42:3	thought	time
66:24	34:19	56:25	44:23	62:14	5:16
68:1	35:21	57:1,11	45:11	thread	10:25
70:17	37:15	59:5,14	46:1,12	36:15,16,	11:4
72:21	39:8	64:11	47:8,16	18	12:3,18
73:3,20,	41:12,20	65:3	49:4	threat	14:8,16,
22 74:3	43:2,3,4,	66:3,7,8,	50:2,5,12	75:9	21 16:22
76:1	19 46:9	18,24	51:25	three	22:7,18
78:25	48:7 49:1	68:9	53:6,13,	21:5 54:9	23:4,7,8,
83:15	50:22	69:1,6	24 58:20,	58:19	15,16
85:11	53:12	70:19	24 59:3,	61:19	24:25
them	55:20	73:24	23 60:16,	63:11	25:2,3
10:8	60:14	74:12	21 62:6	through	28:11
27:16	68:16	76:10	63:15,20,	7:21	30:22
40:15	69:21,25	77:24	24 64:3	12:13,17	31:1,3
59:12	70:2,8	78:8,12,	65:6,11,	14:18	32:13
67:18	71:17	14,23	15 67:1	17:22	33:4,7
68:7 75:5	74:4	80:7 82:6	68:13	19:4,18,	35:11
80:15	75:23	86:4,10	71:18,22	20 21:7,	39:16,24
then	84:7	thinks	72:5,9,	23:21	46:1
15:23	these	83:1	16,18	24:16,18	50:9,17
18:20	23:10	third	73:2,12,	27:13	51:17,20
21:16,18	61:25	50:2	17 75:6	35:20	52:1
22:3,4,5,	68:1,3,5	Thirteen	77:14,15,	36:2,12,	54:16
12 29:20	69:22	60:6	20 78:19	13,18	56:10
33:20	thing	this	79:25	42:15	66:2,4,
40:10	9:25 11:9	5:16 6:10	80:17	44:13,16	16,19,24
41:4,23	things	10:22	81:4	47:15	67:16
43:4	8:15	11:2	86:18	48:1,2,5,	69:7,10,
44:16	19:22	12:18	those	6 50:6	25 70:2,
47:13,16	20:23	14:1	8:25 9:2	53:5	4,9 71:17
48:1,22	35:23	15:2,6,	15:19	54:5,17	72:10,17,
49:22	40:9	11,17,22,	24:15	55:10,13	22 73:7,
52:7	43:8,11	23 17:15,	31:5,6	57:21	14 76:22
60:17	81:25	24 20:9	35:23	62:1	78:16,21,
77:18	think	21:4	49:2 50:8	64:9,13	24,25
79:13	8:20 11:5	22:7,19	60:2,17		80:11
80:2		25:16	61:19		86:21
81:22,25			64:4		

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

time-wise 31:7	24:3,4,6, 7,8,14, 20,25	21,24 54:9,16 55:1,6,21	12,15 84:6 85:23 86:11	took 7:3 50:16 53:4 54:9,16 62:15 79:10	training 18:4,5,7, 11,19,20 19:6,7,8, 9,16,19 20:18,19 21:6 35:19 36:24 54:14,15 69:9 75:20 76:25 77:1,5,16 80:21,25 81:10,14, 17
times 8:1,2 14:19 59:1 60:5,6,16 68:14 79:6	25:1,6,7, 12,13,19 26:1,2,21 27:2,16, 21,24 28:6,17, 22 29:8, 11,22 30:10,23, 24 31:7, 21,23,25 33:2,9, 10,16,17, 23 34:4, 5,12,14, 15,25 35:1,4,5, 17 36:1, 2,25 37:22 38:2,13 39:7,15, 17 41:13, 18,20,22 42:1 43:4,5,6, 7,10,11, 12,16,21 44:2,12, 19,21,24 45:5,19 46:11 47:3,11, 12,14,15, 17 48:3, 22,25 49:1,5,6, 9,10,16, 19,20,25 50:3,7,9, 14,15,20, 24 51:3, 5,10,13, 14,15,19, 23 52:6, 16,18 53:7,20,	56:2,21, 22,23 57:14,15 58:2,10, 13,16,22 59:12,16 60:1,12, 17 61:7, 11,13,24, 25 62:1, 2,3,4,6, 20,22 63:8,11, 14 64:2, 3,5,13, 15,18,23 65:6,8, 10,14,19, 20,24,25 66:4,14, 15,16,17, 19,20,24 67:2,5,6, 17,19,23 68:7,10 69:4,8, 10,13,23 70:9,12, 14 71:16, 20 73:9, 10,16,22 74:9 75:3,4,8, 14,17,24 76:11,22 77:1,2, 12,21,25 78:4,9, 18,21,22, 24 79:1, 3,6,11, 14,20,21 80:2,12, 13 81:14, 17,18,24 82:2 83:3,10,	today 6:5,18 7:11,15 12:4,10, 12,21 13:14 22:17 25:10 26:12 28:14 29:24 32:4,21 33:21,25 34:2,13 35:12 43:23 53:17 58:7 61:18 63:18 65:11 67:1,4 70:19 72:23,25 79:18 83:11,14	tool 33:17 46:7	transcrip t 6:14 9:18,19, 21 10:2, 7,12,20 86:23
tiny 85:9				tools 43:17,22 44:19 45:24 46:19 48:15,18, 19 80:20	transfer 13:25 14:3
tip 46:8				top 29:17	traumatic 62:9,18
TL 45:14 69:15 82:18				tore 52:9	treatment 61:19
to 6:6,9,13, 18,24 7:1,2,10, 14,18,23, 24 8:4,6 10:16 11:3,4,5, 7,15,20 12:2,4, 13,21 13:2,3,9 14:1,5,6, 7,11,12, 20 15:16 16:2,7, 10,13,14 17:2,7,24 18:5,6, 12,25 19:12,16, 21,22 20:2,5,6, 8 21:14, 25 22:3, 11,13,14, 16,22,23, 24,25 23:3,7, 10,25			tossed 50:8	trial 16:9 47:9	triggered 24:13
				total 59:8	truthful 7:11
				tough 62:16	try 16:14 39:15
				tournique t 51:23	trying 20:5,6 30:21,22 39:14 62:2
				towards 16:9 47:9	
				Town 37:22 38:3 44:9	
				together 56:10	
				toilet 71:3,4,6	
				told 21:1 46:24 70:7	
				too 38:18 56:22	

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

turned 49:9	unaffected 63:20	understood 22:25	15:16 16:8 17:24 18:2 40:5,19 43:4,5 47:17,21, 22 49:16, 18,20 51:14 52:6 53:23 54:1 56:12 58:1 62:10 65:6 66:19 68:18,21 76:17 84:6	80:4,5,7 81:9 82:24	versus 5:18
two 8:2 22:11 31:5 35:23 39:6,25 41:12 45:21 46:25 47:1,3 78:7 84:19	under 7:13 78:20	unfair 33:24		used 50:13 68:3,8 71:20 73:13 79:21 80:13 82:6	very 38:3 43:3,5 44:9 68:16,17, 18 86:16
two- bedroom 47:24	undergo 81:16	unit 13:19 18:24 23:5 30:14 31:22 34:4 35:4 41:8 58:4,10 64:11 65:19 66:13 68:12 84:8,20 85:21 86:2		using 19:21 68:14 82:14	vest 48:12
two-man 49:5	understand 6:17 7:7, 8,10 12:6 15:20 17:16 18:16,17 23:9 24:7 25:8,11 32:3,8 33:22 66:24 71:8 73:8 76:10 78:5 84:23	unit's 25:19		usually 49:3,24 80:15	veterans 17:11
two-month 81:22		Universit y 16:18 20:16	updated 81:16	utilize 43:22 46:7,9 73:23	via 20:13
two-week 13:2	understand ding 19:10,11 22:14 24:18 25:1,5 26:5 28:12 29:24 34:8 35:7 38:12 39:3,18, 22 42:4 43:24 53:17 62:2 63:22 69:24 71:8 81:17 82:20	unknown 59:22 75:13 77:21 81:4	upon 31:9,14	utilized 73:13 79:14,24 81:5	video 53:10 56:21 84:4,6, 10,16,18
type 24:14 29:5,24 34:2,3 35:22 58:20,24 59:21,24 70:9		unknowns 43:25 75:11 77:19	upstairs 68:20	utilizing 79:3	video- recorded 86:19
types 82:23		unless 26:20	us 26:7 50:9,23 51:24 67:18 72:2,12		VIDEOGRAP HER 52:23 53:1 83:21,24 86:18
		unsafe 31:17	use 19:12,17 22:21 30:9 32:18 33:17 43:6,10, 16 45:5 50:3 56:22 68:5 72:22,24 73:1 76:22	v	videos 20:18
U		until 18:2 31:9 68:18,24		varies 23:8	videotape d 6:11,12
Uh-huh 15:10 26:11 58:23 63:7 71:12		up 12:1 13:4		various 19:9 20:18 43:2,15, 22	violate 27:24
UMLV 20:14,15, 19				Vegas 5:19 20:16	violated 86:5
				verbiage 75:8	violating 28:4
					voice 83:3,7

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

vulnerabl e	25:9 26:8 28:18,19, 20 29:6, 12,14,15, 25 30:1 32:19 34:2,3 36:6,8,21	watch 84:5	7,11,12, 13,18 51:20,23 52:21,22, 23 53:1, 4,16 56:4 57:13 58:7 60:11,13 61:13,18 62:12 63:18 64:8 65:10 67:1,4,5 68:13,18, 24,25 69:13,18, 19 70:19, 23 71:16, 20 72:11 74:2 78:16 79:11,17, 18 83:11, 14,15,19, 22,24 84:2,5	86:20 we've 10:24 52:19,20 60:17 65:9 weapon 46:13 60:5 64:16 80:16 weapons 46:19 60:11 wear 48:12 Wednesday 8:8 14:18 week 8:8 weeks 21:12 weird 73:20 well 11:10,19 21:2 41:7 42:1 53:10 56:23 59:16 61:16 72:1,20 74:12 76:16 84:11 went 17:15 18:6,21 21:9 45:18 48:23 56:4,7 64:9 78:10	79:23 83:5,9 Werner 45:13 west- facing 80:6,8 what 7:23 8:6, 22 10:11, 21 11:15 12:9,10, 24 13:9 14:9,16 15:9 16:23 17:4 18:7,15 19:5,6,19 20:13,20, 24 21:11, 15 22:13, 14,15,16, 18,25 23:9,14, 23 24:18 25:3,5 26:5 27:18 28:15,17 29:1,5,24 30:5,7,24 32:25 33:4 34:9,10, 23 35:6, 7,12,13 36:3,17, 19 37:5 38:13,15, 16,24,25 40:19 42:7,15 43:6 44:6,13, 15,17,18, 19,20,22, 25 45:19,
75:16 77:23		watched 11:11 84:3,10, 16			
W		way 14:1 21:21 36:3 50:25 58:22			
wait	37:3,9 38:6,10, 22,25 39:2,5, 17,19,20, 21 40:21, 25 41:24, 25 42:1, 2,4,5,8, 18,19 43:7 48:4,9 49:12 50:4,18 51:24 53:6,24 55:1 58:20,25 59:19,24 66:11 69:16 71:9 72:11 73:2 75:18 76:9,19 77:15 79:14,22 81:6,8	we 6:12 11:11 12:10,12 13:13 16:12 17:15 20:13 22:21 23:25 24:1 25:2,10, 15 26:12 29:23 31:9 32:1,4,21 33:6,10, 17,21,25 34:13 35:12,13 36:13,19, 21,25 37:16,17 38:22 39:6,7 42:20,23 43:6,16, 17,18,23 44:10,16, 19 46:7, 9,11 47:11,15 49:5,8,9, 10,13,18, 19,21,22, 23 50:5,			
23:4 69:10					
wake					
66:19					
walk					
17:22 19:4,18 24:17 42:14 44:13 47:15 49:20 66:19					
walked					
53:5 55:12					
wall					
86:1					
want			we'd 36:12 we'll 32:16 53:9 76:17 we're 7:5 8:20 24:10 36:24 38:23,24 39:2 42:11 43:21 44:18,20 45:5 47:10 49:9,11, 25 50:3, 17 64:12		
11:5 28:23 46:11 47:14,15, 17 53:7 56:22 61:24,25 62:1,20 65:10 68:7 75:24 83:10,12					
wants					
67:19					
warrant					
15:2,22 22:23 24:1,2	warrants 20:22 29:5 37:8,10 39:7 41:17,19, 22 42:7 54:8 60:2 68:1 Washingto n 16:18				

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

20,23	15:17	49:25	whole	68:22,24	66:13
46:3,10	17:5	50:11	9:25 11:3	wise	75:19
47:16	26:2,3,17	64:6 66:4	12:5 33:9	21:18	76:24
48:2,3,7	28:9	80:23	whomever	wished	77:16
49:15	30:15	which	37:23	23:7,10,	80:21,24
50:20	32:7 33:8	15:17	why	14 69:20	81:9
51:3	36:5	16:21	8:20	wished-	without
55:13,21	40:23	20:2	11:14,24	for	70:15
56:6,13,	41:5,21	21:25	14:3	25:3	WITNESS
24 57:13,	49:13	23:10	15:11	with	26:19,22
19 60:2,	51:16	24:1	24:1,3,6,	7:19,23,	72:1,9
9,23 61:7	55:15	33:17	8,21	25 8:14	74:2,18
62:1,6	64:9 75:9	38:23	25:1,5,22	10:5,7	86:9,17
63:14	79:14	40:24	30:18	13:14,16	wobbler
64:6,23	80:5 81:5	43:5	31:4,7	16:5,10,	14:23
65:6,7,19	83:5	45:6,25	38:23	13 17:8,	woken
66:12,14,	where	50:6,8	52:21	23 20:9,	68:21
23 68:19	10:20	57:14	59:5	17 21:6	word
69:4,7,22	16:16	62:17	66:7,8	27:23	68:8
70:4,7,9,	18:3,20	76:15	80:10	33:11	words
23 71:10	21:17	80:14	Williams	34:1	56:21
73:6	22:21	81:21	6:19	36:20	work
74:21	23:11	while	25:18	37:10,18,	12:10,11,
76:5,10,	38:23	51:11	26:15	20,23	12 14:9,
23 77:1,	41:19	52:20	31:23,25	40:1,7	17 15:3,
11,12	42:24	65:20	52:14	42:16	13 48:20,
82:1,21,	44:15,18	75:7	59:9,17	47:19,22	21 49:25
24	47:21	81:20,25	65:20,25	48:10	50:15
what's	48:23	who	66:3,12,	50:9,16	57:14
13:1 16:3	49:14,19	9:13	18 67:7	51:24	workday
17:9	54:8	13:16	72:7	52:2,17	15:23
20:15	62:19	29:10	74:14,23	53:14,17	workdays
25:1	63:8	36:20,22	Williams'	56:14,21	15:17,19
26:22	79:10	37:18	64:19	57:6	worked
29:1 33:2	84:6	44:18,19,	86:5	59:12,13	14:18
41:23	85:17	20 45:10,	window	62:7,9,	36:8 56:9
46:5 47:1	86:1	18 47:22	23:21	10,11	62:11
53:17	whereupon	49:4	50:6	67:2,13	workers'
54:22	27:6	50:12	64:18	75:12	61:13,15
67:10,15	52:25	52:3	69:2	76:4,5,	working
whatever	83:23	59:11	80:6,8	13,20	12:18
48:9	wherever	62:11	85:18,23	77:7 79:7	48:13,14
69:17	49:11	67:24	86:1	81:15,18	52:1
when	whether	72:2	windows	83:8	
9:16	35:16	75:14	27:10,13	85:10	
11:15	39:4,18	77:21	42:24,25	within	
13:11	42:23	78:13	47:23	33:1	
14:12	44:4,5	80:14			

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

workout 63:11	yelling 26:7 68:16	yourself 30:13	
worried 51:20	yes 6:1,8,20	yourself 27:24	
wrap 44:3 53:13,18, 19,24 54:5,9	8:19 9:1, 4,12 10:9 11:23 12:8,16 14:15 15:25 21:24 22:9 23:13 24:19 25:14 27:11,17 29:13 30:1,9, 16,17 31:2,13 32:20 36:7 37:12 38:5 39:13 40:16,17 45:2 46:17 53:15,25 54:18 58:12,17 60:3 61:22 64:1 66:6,22 67:9 68:8 73:11,17, 19 77:8 78:25 80:1,9 81:24 82:4 83:4 84:13,17 85:19 86:24	yourself s	
wrong 30:5 57:18 63:23 82:21			
y			
yeah 13:24 17:5 18:17 24:16 34:22 41:1,12 43:15 47:19 55:23 57:22 59:14 62:24 64:22 65:5 74:4 76:16 82:5			
year 18:2			
years 18:3,6 21:5 44:24 58:19 62:7 72:11			
yelled 26:10	young 25:17		